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NEW DELHI, SATURDAY, JULY 10, 1993/ASADHA 19, 1915

इस भाग में मिल चुक संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (II) PART II—Section 3—Sub-section (II)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सार्वजनिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government
of India (other than the Ministry of Defence)

विधि, न्याय और कम्पनी कार्य मंत्रालय
(विधि कार्य विभाग)
(न्यायिक खंड)
सूचना

नई दिल्ली, 4 जून, 1993

का.आ. 1456.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री धर्म प्रिय शर्मा एडवोकेट के उक्त प्राधिकारी को उक्त नियम के नियम 4 के अन्तर्गत एक आवेदन इस बात के लिए दिया है कि उसे बयाना, जिला भरतपुर (राजस्थान) में, व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(46)/93-न्यायिक]
पी. सी. कण्णन, सक्षम प्राधिकारी

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIR

(Department of Legal Affairs)

(Judicial Section)

NOTICE

New Delhi, the 4th June, 1993

S.O. 1456.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Dharm Priya Sharma Advocate for appointment as a Notary to practise in Bayana, Distt. Bharatpur (Rajasthan).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5 (46)/93-Judl.]
P.C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 9 जून, 1993

का.आ. 1457.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री सुरेश चन्द्र एडवोकेट के उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे फगवाड़ा, जिला कपूरथला (पंजाब) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(47)/93-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 9th June, 1993

S.O. 1457.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Suresh Chander Advocate for appointment as a Notary to practise in Phagwara, Distt. Kapurthala (Punjab).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5 (47)/93-Judl]

P.C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 17 जून, 1993

का.आ. 1458.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री अरविंद प्रकाश माथुर एडवोकेट के उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे अजमेर (राजस्थान राज्य) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(48) 93-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 17th June, 1993

S.O. 1458.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Arvind Prakash Mathur Advocate for appointment as a Notary to practise in Ajmer (Rajasthan).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5 (48)/93 Judl]

P.V.C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 17 जून, 1993

का.आ. 1459.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री किरण चन्द शर्मा एडवोकेट के उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे बुलन्दशहर तहसील (उ.प्र. राज्य) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(49)/93-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 17th June, 1993

S.O. 1459.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Kiran Chand Sharma Advocate for appointment as a Notary to practise in Bulandshahr (Tehsil), U.P.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5 (49)/93-Judl.]

P.C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 17 जून, 1993

का.आ. 1460.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री अमृत सिंह एडवोकेट के उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे डिस्ट्रिक्ट कोर्ट, फिरोजपुर (पंजाब) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(50)/93-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 17th June, 1993

S.O. 1460.— Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Amrit Bir Singh Advocate for appointment as a Notary to practise in Distt. Courts, Ferozepur (Punjab).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5 (50)/93-Judl].

P.C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 17 जून, 1993

का.आ. 1461.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना की जाती है कि श्री पाश्टे अनन्त परशुराम एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे ग्रेटर बंबई (महाराष्ट्र) राज्य में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(51)/93—न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 17th June, 1993

S.O. 1461.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Pashte Anant Parshuram Advocate for appointment as a Notary to practise in Greater Bombay.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5 (51)/93 JudI.]

P.C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 18 जून, 1993

का.आ. 1462.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना की जाती है कि श्री रंगा रामू एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे विजय नगर एवं राजाजी नगर (कर्नाटक) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(53)/93-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 18th June, 1993

S.O. 1462.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. V. Ranga Ramu Advocate for appointment as a Notary to practise in Vijay Nagar & Rajaji Nagar (Karnataka).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5 (53)/93 JudI]

P.C. KANNAN, Competent Authority

नई दिल्ली, 21 जून, 1993

का.आ. 1463.—केन्द्रीय सरकार, कम्पनी अधिनियम, 1956 की धारा 594 की उपधारा (1) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार की अधिसूचना सं. सा.का.नि. 59, तारीख 6 जनवरी, 1959 (जिसे इसमें इसके पश्चात् अधिसूचना कहा गया है) को आंशिक रूप से उपांतरित करते हुए यह निदेश देती है कि मलेशियन एयरलाइन्स सिस्टम बीएचडी (जिसे इसमें इसके पश्चात् "कंपनी" कहा गया है), जो एक विदेशी एयरलाइन्स कंपनी है, के मामले में उक्त अधिनियम की धारा 594 की उपधारा (1) के खंड (क), जैसा कि वह विदेशी एयरलाइन्स कंपनी को लागू होने के मामले में अधिसूचना द्वारा यथा उपांतरित है, निम्नलिखित और अपवादों और उपांतरणों के अधीन लागू होगा, अर्थात्:—

उक्त धारा 594 की उपधारा (1) के खंड (क) के उपबंधों का तब पर्याप्त अनुपालन समझा जाएगा जब 21 मार्च, 1992 को समाप्त होने वाले वित्त वर्ष की बाबत कम्पनी भारत में समुचित कम्पनी रजिस्ट्रार को अपने कारबार लेखाओं की तीन प्रतियां, तुलनपत्र, लाभ और हानि खाता, जिन्हें उक्त अधिसूचना सं. सा.का.नि. 59, तारीख 6-1-59 की मद (i) में निर्दिष्ट किया गया है और जिन्हें उक्त अधिसूचना सं. सा.का.नि. 59 तारीख 6-1-59 की मद (ii) में निर्दिष्ट उपांतरों के अधीन तैयार किया गया है को एक प्रति प्रस्तुत कर देती है। परन्तु ऐसा करते समय 21 मार्च, 1992 को समाप्त होने वाले वित्त वर्ष की बाबत मैसर्स मलेशियन एयर लाइन्स सिस्टम बी एच डी के लिए अधिसूचना सं. सा.का.नि. 494 (अ) तारीख, 20-10-73 द्वारा यथा संशोधित अधिनियम की अनुसूची-6 के भाग 2 के पैरा 3(भ) (च)—टिप्पण 2; 4 और 4-ब की अपेक्षाओं का अनुपालन आवश्यक नहीं होगा।

[सं. 50/47/92-सी. एन. III]

धर्मपाल, अव्वर सचिव

New Delhi, the 21st June, 1993

S.O. 1463.—In exercise of the powers conferred by the proviso to the sub-section (1) of Section 594 of the Companies Act, 1956 and in partial modification of the Government of India No. G.S.R. 59 dated the 6th January, 1959 (hereinafter referred to as the Notification), the Central Government hereby direct that in case of Malaysian Airline System BHD (hereinafter referred to as the 'Company') being a foreign airlines company, the requirements of clause (a) of sub-Section (1) of Section 594 of the said Act as modified in their application to a foreign airlines company by the Noti-

fication shall apply subject to the following further exceptions and modifications, namely:—

It shall be deemed to be sufficient compliance with the provisions of clause (a) of sub-Section (1) of the said Section 594, if in respect of the financial year ended on 31-3-1992 the Company in respect of its Indian Business accounts submits to the appropriate Registrar of Companies in India in triplicate, a copy of the Balance Sheet and Profit and Loss accounts referred to in item (i) of the said Notification No. G.S.R. 59 dated 6-1-1959 prepared in accordance with the provisions of Schedule VI to the Companies Act, 1956 subject to the modification referred to in item (ii) of the said Notification No. G.S.R. 59 dated 6-1-1959. However, in doing so, it would not be necessary for M/s. Malayasian Airline System BHD to comply with the requirements of para 3(x)(f)—

Note 2; 4 and 4-D of Part II of Schedule VI to the Act as amended vide Notification No. G.S.R. 494 (E) dated 30-10-1973 in respect of their financial year ending on 31-3-1992.

[F. No. 50/47/92-CL. III]

DHARAM PAL, Under Secy.

योजना मंत्रालय
(सांख्यिकी विभाग)

नई दिल्ली, 22 जून, 1993

का.आ. 1464.—भारतीय सांख्यिकीय संस्थान अधिनियम (संख्या 57) 1959 के खंड 8, उपखंड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्द्वारा 1994-95 के लिए निम्नलिखित व्यक्तियों की एक समिति का गठन करती है :

1. डॉ. राजा जे. चेलैया, अध्यक्ष
राजकोषीय सलाहकार, भारत सरकार,
वित्त मंत्रालय तथा अध्यक्ष, राष्ट्रीय
लोक वित्त तथा नीति संस्थान,
नई दिल्ली-67.
2. डॉ. जी. एस. भल्ला, सदस्य
प्रोफेसर अर्थशास्त्र,
क्षेत्रीय विकास अध्ययन केन्द्र
जवाहर लाल नेहरू विश्वविद्यालय,
नई दिल्ली-110067.
3. डॉ. एम. एस. वलियाथन, सदस्य
निदेशक,
श्री विन्ना त्रिस्तन इंस्टीट्यूट फोर मैडिकल
साइंस एंड टेक्नोलॉजी,
तिरुवनंतपुरम-695011.
4. डॉ. एस. जी. के. पिल्ले, सदस्य
चाटर्ड अभियन्ता तथा प्रबंध परामर्शदाता,
16-IV एवेन्यू, इविरा नगर,
मद्रास-600020.

5. प्रो. एस. के. चटर्जी, सदस्य
प्रोफेसर, सांख्यिकी विभाग,
यूनिवर्सिटी कालेज ऑफ साइंस,
कलकत्ता-19
6. प्रो. एस. बी. राव, सदस्य
भारतीय सांख्यिकी संस्थान, कलकत्ता
(भारतीय सांख्यिकी संस्थान के मनोनीत)
7. महानिदेशक, सदस्य
केन्द्रीय सांख्यिकीय संगठन,
सांख्यिकीय विभाग, नई दिल्ली।
8. वित्तीय सलाहकार, सदस्य
सांख्यिकीय विभाग,
नई दिल्ली।
9. उप सचिव, सदस्य
सांख्यिकी विभाग,
नई दिल्ली।

और उक्त समिति को निम्नलिखित कार्य निर्धारित करती है :

- (1) कार्य के सम्मत कार्यक्रम (योजनागत तथा योजनेतर दोनों) की समीक्षा करना तथा संशोधित प्राक्कलन 1993-94 में प्रदान की जाने वाली राशि के संबंध में सिफारिशें करना तथा भारतीय सांख्यिकीय संस्थान को सहायता अनुदान प्रदा करने के लिए 1994-95 के लिए वित्तीय प्राक्कलनों के संबंध में भी सिफारिश करना।
- (2) (क) वर्ष 1994-95 के दौरान भारतीय सांख्यिकी संस्थान, कलकत्ता द्वारा किए जाने वाले कार्य का कार्यक्रम (योजनागत) तथा योजनेतर दोनों) दर्शाने वाले विवरण तथा इस प्रकार के कार्य के लिए सामान्य वित्तीय अनुमान तैयार करना और उसे केन्द्र सरकार के समक्ष प्रस्तुत करना, जिसके लिए केन्द्रीय सरकार निधि की व्यवस्था करती है।

(ख) कार्यक्रम से संबंधित विस्तृत रूपरेखा निश्चित करना।

2. समिति अपनी रिपोर्ट सरकार को 21 मार्च, 1994 से पहले प्रस्तुत करेगी।
3. सांख्यिकी विभाग समिति को जिसका मुख्यालय नई दिल्ली में होगा, सचिवालय सहायता प्रदान करेगा।

[सं. एम-12011/3/89-समन्वय]

नरेन्द्र गुप्ता, उप सचिव

MINISTRY OF PLANNING

(Department of Statistics)

New Delhi, the 22nd June, 1993

S.O. 1464.—In exercise of the powers conferred by Sub-section (1) of Section 8 of the Indian Statistical Institute Act (No. 57) of 1959, the Central Government hereby constitutes a Committee for 1994-95 consisting of:

1. Dr. Raja J. Chelliah, Chairman
Fiscal Advisor to the Govt. of India
Ministry of Finance and Chairman,
National Institute of Public Finance
and Policy, New Delhi-110067.

- | | |
|---|------------------|
| 2. Dr. G.S. Bhaia, | Member |
| Professor of Economics,
Central for Studies in Regional
Development, JNU, New Delhi-67. | |
| 3. Dr. M.S. Valiathan, | Member |
| Director, Sree Chitra Tirunal
Institute for Medical Sciences &
Technology, Thiruvananthapuram-695011. | |
| 4. Dr. S.G.K. Pillai, | Member |
| Chartered Engineer & Manager,
Consultant, 16-IV Avenue,
Indira Nagar, Madras-600020. | |
| 5. Prof. S.K. Chatterjee, | Member, |
| Professor,
Department of Statistics University,
College of Science, Calcutta-19. | |
| 6. Prof. S.B. Rao, | Member |
| Indian Statistical Institute, Calcutta,
(Nominee of the ISI). | |
| 7. Director General, CSO | Member |
| Department of Statistics,
New Delhi. | |
| 8. Financial Adviser | Member |
| Department of Statistics
New Delhi. | |
| 9. Deputy Secretary | Member-secretary |
| Department of Statistics,
New Delhi. | |

and assigns the following duties to the said Committee, namely:

- (1) Review of the agreed programme of work (both Plan and Non-Plan) and make recommendations regarding the amount to be provided in the RE 1993-94 and also make recommendations regarding the financial estimates for 1994-95 for paying grant-in-aid to the ISI.
- (2) (a) Preparation and submission to the Central Government of statement showing programmes of work (both Plan and Non-Plan) agreed to be undertaken by the Indian Statistical Institute, Calcutta, during the year 1994-95 for which the Central Government may provide funds, as well as general financial estimates of such work.
- (b) The settlement on broad lines of the programme of work.

2. The Committee shall submit its report to the Government before 31st March, 1994.

3. The Department of Statistics shall render secretariat assistance to the Committee, the headquarters of which will be at New Delhi.

[No. M-12011/3/89-Coord.]

NARINDER GUPTA, Dy. Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 15 अप्रैल, 1993

(आयकर)

क्र.सं. 1465:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23) द्वारा प्रदत्त शक्तियों

का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "आल इंडिया लॉन टेनिस एसोसिएशन, नई दिल्ली को 1990-91 से 1992-93 तक के कर-निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

(i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन इस प्रकार के संचयन हेतु उक्त खंड (23) द्वारा यथा-संशोधित धारा 11 की उपधारा (2) तथा (3) के उपबंधों के अनुरूप पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;

(ii) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जैवर-जवाहिगत, फर्नीचर अथवा किसी अन्य वस्तु, जिसे उपर्युक्त खण्ड (23) के तीसरे परन्तुक के अधीन बोर्ड द्वारा अधिसूचित किया जाए, के रूप में प्राप्त तथा रख-रखाव में स्वीच्छक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) कर-निर्धारिती अपने सदस्यों को किसी भी तरीके से अपनी आय के किसी भाग का संचित करने से संबंध किसी एसोसिएशन अथवा संस्था को अनुदान के अलावा नहीं करेगा; और

(iv) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हों जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग में लेखा-पुस्तिकाएं नहीं रखी जाती हों:

[अधिसूचना संख्या : 9270/फा.सं. 196/10/93-आ.कर (नि. -I)]

परत चन्द्र, अवसर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 15th April, 1993

(INCOME-TAX)

S.O. 1465.—In exercise of the powers conferred by clause (23) of Section 10 of the Income-Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "All India Lawn Tennis Association, New Delhi" for the purpose of the said clause for

assessment years 1990-91 to 1992-93 subject to the following conditions, namely —

- (i) the assessee will apply its income, or accumulate it for application, in consonance with the provisions of sub-section (2) and (3) of Section 11 as modified by the said clause (23) for such accumulation wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture or any other articles as may be notified by the Board under the third provision to the aforesaid clause (23) for any period during the previous year(s) relevant to the assessment year(s) mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) the assessee will not distribute any part of its income in any manner to its members except as grants to any association or institution affiliated to it; and
- (iv) this notification will not apply in relation to income, being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9270/F.No. 196/10/93-IT(A-I)]

SHARAT CHANDRA, Under Secy.

नई दिल्ली, 30 अप्रैल, 1993

(आयकर)

का०आ० 1466:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “इंडियन ओलम्पिक एसोसिएशन, नई दिल्ली” को 1992-93 से 1994-95 तक के कर-निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन इस प्रकार के संचयन हेतु उक्त खण्ड (23) द्वारा यथा-संशोधित धारा 11 की उप-धारा (2) तथा (3) के उपबंधों के अनुरूप पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के

दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (ज्वेल्स, जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु, जिसे उपर्युक्त खण्ड (23) के तीसरे परन्तुक के अधीन बोर्ड द्वारा अधिसूचित किया जाए, के रूप में प्राप्त तथा रख-रखाव में स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

- (iii) कर-निर्धारिती अपने सदस्यों को किसी भी तरीके से अपनी आय के किसी भाग का संवितरण अपने से संबद्ध किसी एसोसिएशन अथवा संस्था को अनुदान के अलावा नहीं करेगा; और
- (iv) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हों जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं० 9275/फा०सं० 196/7/93—आयकर (नि०-1)]

शरत चन्द्र, अवर सचिव

New Delhi, the 30th April, 1993

(INCOME-TAX)

S.O.1466.—In exercise of the powers conferred by clause (23) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Indian Olympic Association, New Delhi” for the purpose of the said clause for assessment years 1992-93 to 1994-95 subject to the following conditions, namely —

- (i) the assessee will apply its income, or accumulate it for application, in consonance with the provisions of sub-section (2) and (3) of section 11 as modified by the said clause (23) for such accumulation wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than Voluntary contributions received and maintained in the form of jewellery, furniture or any other article) as may be notified by the Board under the third provision to the aforesaid clause (23) for any period during the previous year(s) relevant to the assessment year(s) mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11;

- (iii) the assessee will not distribute any part of its Income in any manner to its members except as grants to any association or institution affiliated to it; and
- (iv) this notification will not apply in relation to income, being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9275/F.No. 196/7/93-IT (AI)]

SHARAT CHANDRA, Under Secy.

नई दिल्ली, 30 अप्रैल, 1993

(आयकर)

का०आ० 1467:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “बलसार जिला क्रिकेट एसोसिएशन, गुजरात” को कर-निर्धारण वर्ष 1990-91 के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन इस प्रकार के संचयन हेतु उक्त खण्ड (23) द्वारा यथा-संशोधित धारा 11 की उप-धारा (2) तथा (3) के उपबंधों के अनुरूप पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (ज्वर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु, जिसे उपर्युक्त खंड (23) के तीसरे परन्तुक के अधीन बोर्ड द्वारा अधिसूचित किया जाए, के रूप में प्राप्त तथा रख-रखाव में स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) कर-निर्धारिती अपने सदस्यों को किसी भी तरीके से अपनी आय के किसी भाग का संचितरण अपने सम्बद्ध से किसी एसोसिएशन अथवा संस्था को अनुदान के अलावा नहीं करेगा; और
- (iv) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के

लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं० 9276/फा०सं० 196/11/93-आयकर (नि०-1)]

शरत चन्द्र, अधर सचिव

New Delhi, the 30th April, 1993

(INCOME-TAX)

S.O.1467.—In exercise of the powers conferred by clause (23) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Bulsar District Cricket Association, Gujarat” for the purpose of the said clause for assessment year 1990-91 subject to the following conditions namely:—

- (i) the assessee will apply its income, or accumulate it for application in consonance with the provisions of sub-section (2) and (3) of section 11 as modified by the said clause (23) for such accumulation wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than Voluntary contributions received and maintained in the form of jewellery, furniture or any other article) as may be notified by the Board under the third provision to the aforesaid clause (23) for any period during the previous year relevant to the assessment year mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11;
- (iii) the assessee will not distribute any part of its income in any manner to its members except as grants to any association or institutions affiliated to it; and
- (iv) this notification will not apply in relation to income, being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9276/F. No. 196/11/93-IT(A-1)]

SHARAT CHANDRA, Under Secy.

नई दिल्ली, 28 अप्रैल, 1993

(आयकर)

का०आ० 1468:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “सुरजीत सिंह मेमोरियल हॉकी टूर्नामेंट सोसाइटी, जालंधर (पंजाब)

को 1993-94 से 1995-96 तक के कर-निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त खण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिणी उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन इस प्रकार के संचयन हेतु उक्त खण्ड (23) द्वारा यथा-संशोधित धारा 11 की उप-धारा (2) तथा (3) के उपबंधों के अनुरूप पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर-निर्धारिणी ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जैवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु, जिसे उपर्युक्त खण्ड (23) के तीसरे परन्तुक के अध्वधीन बोर्ड द्वारा अधिसूचित किया जाए, के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) कर-निर्धारिणी अपने सदस्यों को किसी भी तरीके से अपनी आय के किसी भाग का संवितरण अपने से संबद्ध किसी एसोसिएशन अथवा संस्था को अनुदान के अलावा नहीं करेगा ; अथवा
- (iv) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा उपलाभ हों जब तक कि ऐसा कारोबार उक्त कर-निर्धारिणी के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना सं० 9273/फा० संख्या 196/2/93-आयकर (नि०-I)]

शरत चन्द्र , अवर सचिव

New Delhi the 28th April, 1993

(INCOME-TAX)

S.O.1468:—In exercise of the powers conferred by clause (23) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Surjit Singh Memorial Hockey Tournament Society, Jalandhar (Punjab)" for the purpose of the said clause for assessment years 1993-94 to 1995-96 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate it for application, in consonance with the

provisions of sub-section (2) and (3) of section 11 as modified by the said clause (23) for such accumulation wholly and exclusively to the objects for which it is established;

- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture or any other article) as may be notified by the Board under the third proviso to be aforesaid clause (23) for any period during the previous year(s) relevant to the assessment year(s) mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11;
- (iii) the assessee will not distribute any part of its income in any manner to its members except as grants to any association or institutions affiliated to it; and
- (iv) this notification will not apply in relation to any income, being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9273/F.No. 196/2/93-IT(A-1)]
SHARAT CHANDRA, Under Secy.

नई दिल्ली, 17 मई, 1993

(आयकर)

का०आ० 1469 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 80-जी की उपधारा (2) के खंड (बी) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा समूचे तमिलनाडु राज्य में एक ख्याति प्राप्त सार्वजनिक पूजा स्थल के रूप में "अरुलमिगु कल्लालागार तिरुक्कोइल; अलागार कोइल, मदुरै जिला, तमिलनाडु" को उक्त खंड के प्रयोजनार्थ अधिसूचित करती है ।

[अधिसूचना सं० 9294/फा० सं० 176/11/93-आयकर (नि०-1)]

शरत चन्द्र, अवर सचिव

New Delhi the 17th May, 1993.

(INCOME-TAX)

S.O. :—In exercise of the powers conferred by clause (b) of sub-section (2) of Section 80G of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Arulmigu Kallalagar Thirukkoil, Alagarkoil, Madurai District, Tamil Nadu" to be a place of Public worship of renown throughout the State of Tamil Nadu for the purposes of the said clause.

[Notification No. 9294/F.No. 176/11/93-IT(A1)]
SHARAT CHANDRA, Under Secy.

नई दिल्ली, 1 जून, 1993

(आयकर)

का.आ. 1470 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 80-जी की उपधारा (2) के खंड (बी) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा समूचे महाराष्ट्र राज्य में एक स्थापित प्राप्त सार्वजनिक पूजा स्थल के रूप में "फायर टैम्पल ऑफ सरदार सौरावजी रतन जी पटेल ट्रस्ट, फण्ड, पुणे" को उक्त खंड के प्रयोजनार्थ अधिसूचित करती है।

[अधिसूचना सं० 9300/का.सं. 176/61/92-आयकर (नि०-1)]

शरत चन्द्र, आयकर सचिव

New Delhi, the 1st June, 1993
(INCOME-TAX)

S.O. 1470:—In exercise of the powers conferred by clause (b) of sub-section (2) of Section 80G of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the 'Fire Temple of Sardar Sorabji Ratnaji Patel's Trust, Fund, Pune' to be a place of Public Worship of renown throughout the State of Maharashtra for the purpose of the said clause.

[Notification No. 9300/F.No. 176/61/92-ITA-I]
SHARAT CHANDRA, Under Secy.

आदेश

नई दिल्ली, 15 जून, 1993

स्टाम्प

का. आ. 1471:—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा महाराष्ट्र राज्य वित्तीय निगम, बम्बई को केवल बी लाख उनहत्तर हजार तीन सौ पचहत्तर रुपए का समेकित शुल्क अदा करने की अनुमति प्रदान करती है जो कि उक्त निगम के द्वारा जारी किए जाने वाले मात्र बारह करोड़ बानबे लाख पचास हजार रुपए के समेकित मूल्य के 1000-1000 रुपए के अंकित मूल्य के ऋणपत्रों के रूप में 1 से 155 तक की विशिष्ट संख्या वाले 12% महाराष्ट्र राज्य वित्तीय निगम बंधपत्र 2012 (62वीं श्रृंखला) के 155 बंधपत्र प्रमाणपत्रों पर स्टाम्प शुल्क के रूप में प्रभावी है।

[सं. 20/93-स्टा. का. सं. 33/43/92-वि. क.]

ठाकुर दत्त, उप-सचिव

ORDER

New Delhi, the 15th June, 1993

STAMPS

S.O. 1471:—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Maharashtra State Financial Corporation, Bombay to pay consolidated stamp duty of rupee nine lakhs, sixty nine thousand, three hundred and seventy five only, chargeable on account of the stamp duty on 155 Bonds Certificates 12% Maharashtra State Financial Corporation Bonds 2012 (62nd Series) bearing distinctive numbers 1 to 155 in form of debentures of the face value of rupees 1000 each of the aggregate value of rupees twelve crores, ninety two lakhs and fifty thousand only to be issued by the said Corporation.

[No. 20/93-Stamp F.No. 33/43/92-ST]
THAKUR DATT, Dy. Secy.

आदेश

नई दिल्ली, 15 जून, 1993

स्टाम्प

का. आ. 1472:—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उस शुल्क को माफ करती है, जोकि पावर फाइनेंस कॉर्पोरेशन लिमिटेड, नई दिल्ली द्वारा जारी किए जाने वाले मात्र चौदह करोड़ पचास लाख और छहत्तर हजार रुपए के मूल्य के 13% पी. एफ. सी. बंधपत्र 2007 (पांचवीं श्रृंखला) के ऋणपत्रों की प्रकृति के बंधपत्रों पर उक्त अधिनियम के तहत प्रभावी है।

[सं. 21/93-स्टाम्प-का. सं. 33/18/93-वि. क.]

ठाकुर दत्त, उप सचिव

ORDER

New Delhi, the 15th June, 1993

STAMPS

S.O. 1472:—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of debentures 13% PFC Bonds 2007 (Fifth series) of the value of rupees Fourteen crores fifty lakhs and seventy six thousand only to be issued by Power Finance Corporation Limited New Delhi are chargeable under the said Act.

[No. 21/93-Stamp F.No. 33/18/93-ST]

THAKUR DATT, Dy. Secy.

(आधिकार्य विभाग)

नई दिल्ली, 11 जून, 1993

का. आ. 1473:—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियमावली, 1976 के नियम—10 के उपनियम (4) के अनुसरण में वित्त मंत्रालय (आधिकार्य विभाग) के प्रशासनिक नियंत्रण में स्थित भारतीय साधारण बीमा निगम के निम्नलिखित कार्यालयों को, जिनके 80 प्रतिशत से अधिक कर्मचारीवृन्द ने हिन्दी कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:—

कंपनी का नाम	बि न्यू इंडिया एश्यो- रेंस कंपनी लिमि- टेड	
1	2	3
		कोड नं.
1. प्रादेशिक कार्यालय, बड़ौदा		220000
2. मंडल कार्यालय—1, बड़ौदा (टाइड)		220100
3. मंडल कार्यालय—2, बड़ौदा		220200
4. मंडल कार्यालय—3, बड़ौदा		220300
5. मंडल कार्यालय—1, सूरत		220400
6. मंडल कार्यालय, भरुच		220600
7. मंडल कार्यालय, आनन्द		220700
8. मंडल कार्यालय, नांदेड़गा		152400
9. मंडल कार्यालय, पाटियाला		351800
10. मंडल कार्यालय, जमशेदपुर		540200
11. मंडल कार्यालय, रांची		540300
12. मंडल कार्यालय , गया		540600
13. मंडल कार्यालय—2, पटना		540800
14. मंडल कार्यालय—2, रांची		540900
15. मंडल कार्यालय, न. म. ई., नेहरू प्लेस, नई दिल्ली		311800
16. मंडल कार्यालय, भीका जी कामा प्लेस, नई दिल्ली		312000
17. मंडल कार्यालय, अलीगढ़		321300
18. मंडल कार्यालय—2, मेरठ		322200
19. शाखा कार्यालय, सूरत सिटी		220401
20. शाखा कार्यालय, सूरत सिटी		220402
21. शाखा कार्यालय, राजपिपला		220603
22. शाखा कार्यालय, आ. गं. पा. का., भरुच		220604
23. शाखा कार्यालय, आनन्द सिटी		220701
24. शाखा कार्यालय, नवसारी		220801
25. शाखा कार्यालय, बारडोली		220802
26. शाखा कार्यालय, बलसाड सिटी		220901
27. शाखा कार्यालय, बिलिमोरिया		220902

1	2	3
28. शाखा कार्यालय, अहवा		220904
29. शाखा कार्यालय—1, पुणे सिटी		150101
30. शाखा कार्यालय—2, पुणे सिटी		150102
31. शाखा कार्यालय, कर्वे रोड		150103
32. शाखा कार्यालय, पुणे		150401
33. शाखा कार्यालय, राजगुरु नगर		150402
34. शाखा कार्यालय—1, सिटी		150501
35. शाखा कार्यालय—2, सिटी		150502
36. शाखा कार्यालय, चन्द्रपुर		150503
37. शाखा कार्यालय, होमी हाऊस		150601
38. शाखा कार्यालय, शांती बाग		150602
39. शाखा कार्यालय, गोंदिया		150603
40. शाखा कार्यालय, एम. आई. डी. सी. हिंगाने		150604
41. शाखा कार्यालय, सिटी (नासिक शाखा कार्यालय—1)		150701
42. शाखा कार्यालय, सिटी (नासिक शाखा कार्यालय—2)		150702
43. शाखा कार्यालय, ओझर		150703
44. शाखा कार्यालय—2, नासिक रोड		150704
45. शाखा कार्यालय—1, सिटी		150901
46. शाखा कार्यालय, चिकलथाना		150902
47. शाखा कार्यालय—1, जलगांव सिटी		151401
48. शाखा कार्यालय, जलगांव सिटी		151402
49. शाखा कार्यालय, चालीसगांव		151403
50. शाखा कार्यालय, बोकारो		540401
51. शाखा कार्यालय, हजारी बाग		540604
52. शाखा कार्यालय, धनबाद		540701
53. शाखा कार्यालय, गिरीडीह		540702
54. शाखा कार्यालय, सिन्दुरी		540703
55. शाखा कार्यालय—1, पटना		540801
56. शाखा कार्यालय, छपरा		540803
57. शाखा कार्यालय, आर्य समाज		311302
58. शाखा कार्यालय, नारायणा		320201
59. शाखा कार्यालय, जनकपुरी		320202
60. शाखा कार्यालय, अजय इन्कलेव, मागापुरी		320203
61. शाखा कार्यालय, शाहदरा		320301
62. शाखा कार्यालय, कांति नगर		320303
63. शाखा कार्यालय, खुरजा		321304
64. शाखा कार्यालय, डबवली		322602
65. प्रादेशिक कार्यालय, टाईड		120000
66. मंडल कार्यालय—4, सूरत		221400
67. मंडल कार्यालय, टाईड		120100
68. मंडल कार्यालय, टाईड		120200
69. मंडल कार्यालय, टाईड		120300

1	2	3
70.	मंडल कार्यालय, टाइट	120400
71.	मंडल कार्यालय, टाइट	120500
72.	मंडल कार्यालय, टाइट	120700
73.	मंडल कार्यालय, टाइट	121000
74.	मंडल कार्यालय, टाइट	121100
75.	मंडल कार्यालय, टाइट	121200
76.	मंडल कार्यालय, टाइट	121300
77.	मंडल कार्यालय, टाइट	121400
78.	मंडल कार्यालय, टाइट	121600
79.	शाखा कार्यालय, सिलवासा	221301
80.	शाखा कार्यालय, अकलेश्वर	220602
81.	शाखा कार्यालय, भरुच	220601
82.	शाखा कार्यालय, कापड़गंज	220704
83.	शाखा कार्यालय, नादियाड	220702
84.	शाखा कार्यालय, गोधरा	220703
85.	शाखा कार्यालय, टाइट	121301
86.	शाखा कार्यालय, टाइट	121401
87.	शाखा कार्यालय, टाइट	121402
88.	शाखा कार्यालय, बड़ौदा	220201
89.	शाखा कार्यालय, बलसाड	220900
90.	शाखा कार्यालय, बड़ौदा	220202

द्वि ओरिएण्टल इश्योरेंस कंपनी लिमिटेड

1. मंडल कार्यालय, पानीपत
2. मंडल कार्यालय--1, लुधियाना
3. मंडल कार्यालय--अटिडा
4. मंडल कार्यालय--2, लुधियाना
5. शाखा कार्यालय, 1--लुधियाना
6. शाखा कार्यालय--2, लुधियाना
7. शाखा कार्यालय--4, लुधियाना
8. शाखा कार्यालय, समराला
9. शाखा कार्यालय--5, लुधियाना
10. शाखा कार्यालय, परवाणु
11. शाखा कार्यालय, कुल्लू
12. शाखा कार्यालय, सोनीपत

नेशनल इश्योरेंस कंपनी लिमिटेड

1. मंडल कार्यालय, रांची
2. मंडल कार्यालय, झरवर
3. मंडल कार्यालय--2, बंबई
4. मंडल कार्यालय--3, बम्बई
5. मंडल कार्यालय--4, बंबई
6. शाखा कार्यालय, भिवाडी

[सं. 13011/1/92-हि. का. क.]

अजय नाथ, उप सचिव

(Department of Economic affairs)

New Delhi, the 11th June, 1993

S.O. 1473.—In pursuance of Sub-Rules (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the

following offices of the General Insurance Corporation of India (under the Administrative Control of Ministry of Finance, Department of Economic Affairs) whereof more than 80 percent of staff have acquired working knowledge of Hindi.

Name of the Company: The New India Assurance Company Limited.

	Code No.
1. Regional Office, Baroda	220000
2. Divisional Office-1, Baroda(Tide)	220100
3. Divisional Office-2, Baroda	220200
4. Divisional Office-3, Baroda	220300
5. Divisional Office-I, Surat	220400
6. Divisional Office, Bharuch	220600
7. Divisional Office, Anand	220700
8. Divisional Office, Nandershad	152400
9. Divisional Office- Patiala	351800
10. Divisional Office, Jamshedpur	540200
11. Divisional Office, Ranchi	540300
12. Divisional Office, Gaya	540600
13. Divisional Office-2, Patna,	540800
14. Divisional Office-2, Ranchi	540900
15. Divisional Office, N.M.E. Nehru Place, New Delhi.	311800
16. Divisional Office, Bhikaji Kama Place, New Delhi.	312000
17. Divisional Office, Aligarh	321300
18. Divisional Office-2, Meerut	322200
19. Branch Office, Surat City	220401
20. Branch Office, Surat, City	220402
21. Branch Office, Rajpipla	220603
22. Branch Office, GR, Gy. Pa. Ka. Bharuch	220604
23. Branch Office, Anand City	220701
24. Branch Office, Navsari	220801
25. Branch Office, Bardauli	220802
26. Branch Office, Balsar City	220901
27. Branch Office, Bilmorla	220902
28. Branch Office, Ahwa	220904
29. Branch Office-1, Pune City	150101
30. Branch Office-2, Pune City	150102
31. Branch Office, Karve Road	150103
32. Branch Office, Pune	150401
33. Branch Office, Rajguru Nagar	150402
34. Branch Office, I, City	150501
35. Branch Office-2, City	150502
36. Branch Office, Chanderpur	150503
37. Branch Office, Homi House	150601
38. Branch Office, Gandhi Bagh	150602
39. Branch Office, Gondia	150603
40. Branch Office, M.I.D.C. Hingane	150604
41. Branch Office, City (Nasik Branch Office-1)	150701
42. Branch Office, City (Nasik Branch Office-2)	150702
43. Branch Office, Ojher	150703
44. Branch Office-2, Nasik Road,	150704
45. Branch Office-1, City	150901
46. Branch Office, Chikethana	150902
47. Branch Office-I, Jalgaon City	151401
48. Branch Office, Jalgaon	151402
49. Branch Office, Chalisgaon	151403
50. Branch Office, Bokaro	540401
51. Branch Office, Hazari Bagh	540604
52. Branch Office, Dhanbd	540701
53. Branch Office, Girdeeh	540702
54. Branch Office, Sindri	540703
55. Branch Office, I- Patna	540801
56. Branch Office, Chapra	540803
57. Branch Office, Arya Samaj	311302
58. Branch Office, Narayana	320201

59. Branch Office, Janakpuri	320202
60. Branch Office, Ajay Enclave, Mayapuri	320203
61. Branch Office, Shahdara	320301
62. Branch Office, Kantinagar	320303
63. Branch Office, Khurja	321304
64. Branch Office, Dabwali	322602
65. Regional Office, Tide	120000
66. Divisional Office, 4, Surat	221400
67. Divisional Office, Tide	120100
68. Divisional Office, Tide	120200
69. Divisional Office, Tide	120300
70. Divisional Office, Tide	120400
71. Divisional Office, Tide	120500
72. Divisional Office, Tide	120700
73. Divisional Office, Tide	121000
74. Divisional Office, Tide	121100
75. Divisional Office, Tide	121200
76. Divisional Office, Tide	121300
77. Divisional Office, Tide	121400
78. Divisional Office, Tide	121600
79. Branch Office, Silvasa	221301
80. Branch Office, Ankaleshwar	220602
81. Branch Office, Bharuch	220601
82. Branch Office, Kaparganj	220704
83. Branch Office, Nadiyar	220702
84. Branch Office, Godhra	220703
85. Branch Office, Tide	121301
86. Branch Office, Tide	212401
87. Branch Office, Tide	121402
88. Branch Office, Baroda	220201
89. Branch Office, Balsar	220900
90. Branch Office, Baroda	220202

The Oriental Insurance Company Ltd.,

1. Divisional Office, Panipat
 2. Divisional Office-1, Ludhiana
 3. Divisional Office, Bhatinda
 4. Divisional Office-2, Ludhiana
 5. Branch Office-1, Ludhiana
 6. Branch Office-2, Ludhiana
 7. Branch Office-4, Ludhiana
 8. Branch Office, Samrala
 9. Branch Office-5, Ludhiana
 10. Branch Office, Parvanu
 11. Branch Office Kullu
 12. Branch Office, Sonipat
- National Insurance Co. Ltd
1. Divisional Office, Ranchi
 2. Divisional Office, Alwar
 3. Divisional Office-2, Bombay
 4. Divisional Office-3, Bombay
 5. Divisional Office-4, Bombay
 6. Branch Office, Bhivadi.

[No. 13011/1/92—HIC]

AJAY NATH, Dy. Secy.

(वैकिंग प्रभाग)

नई दिल्ली, 14 जून, 1993

का. घा. 1474 :—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय रिजर्व बैंक की सिफारिश पर केन्द्रीय सरकार, एतद्वारा, घोषणा करती है कि उक्त अधिनियम की धारा 19 (2) के उपबंध अधि-

सूचना की तारीख से दो वर्षों की अवधि के लिए, युनाइटेड बैंक आफ इंडिया पर, जहाँ तक उनका संबंध गिरवीदार के रूप में मैसर्स स्टैंडर्ड मोपेड कं. प्रा. लि. की प्रदत्त शेयर पूंजी के 30% से अधिक की उनकी शेयरधारिता से है, लागू नहीं होंगे।

[सं. 15/5/92—बीओए]

के. के. मंगल, अवर सचिव

(Banking Division)

New Delhi, the 14th June, 1993

S.O. 1474:—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 19(2) of the said Act shall not apply to United Bank of India for a period of two years from the date of notification in so far as they relate to its holding of the shares in excess of 30% of the paid up share capital of M/s. Standard Moped Co. Pvt. Ltd., as pledgee.

[No. 15/5/92-BOA]

K.K. MANGAL, Under Secy.

नई दिल्ली, 14 जून, 1993

का. घा. 1475:—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 9 के उपबंध फेडरल बैंक लि. पर अधिसूचना की तारीख से दो वर्षों की अवधि के लिए 89 सेंट्स शुष्क भूमि वाली थिरुवारपु ग्राम, कोटथायम तालुक की गैर बैंककारी सम्पत्ति के साथ केरल राज्य में सर्वे सं. 65/3 में भवन पर लागू नहीं होंगे।

[सं. 15/5/91—बी. ओ. ए.]

के. के. मंगल, अवर सचिव

New Delhi, 14th June, 1993

S.O. 1475:—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 9 of the said Act shall not apply to The Federal Bank Ltd., for a period of two years from the date of notification in respect of its holding non-banking assets at Thiruvapur village kottayam Taluk consisting of 89 cents of dry land with buidling in survey No. 65/3 Kerala State.

[No. 15/5/91-BOA]

K.K. MANGAL, Under Secy.

विदेश मंत्रालय

(हज सेल)

नई दिल्ली, 17 मई, 1993

का. आ. 1476 :—समिति की 28 अप्रैल, 1993 की हुई बैठक में हज समिति, अम्बई के अध्यक्ष के रूप में श्री काजी अब्दुल खलीक ए. कादर वकील, एम. एल. ए. तथा उसके उपाध्यक्षों के रूप में श्री अहमद बी. जकारिया और श्री आलमदार हुसैन रिजवी का निर्वाचित हज समिति अधिनियम 1959 (1959 का सं. 51) की धारा 6 की उपधारा (1), (4) और (5) के अनुपालन में एतद्वारा अधिसूचित किया जाता है।

[सं. एम (हज) 118-1/2/89]

जे. सी. शर्मा, संयुक्त सचिव (जी सी/हज)

MINISTRY OF EXTERNAL AFFAIRS

(Haj Cell)

New Delhi, the 17th May, 1993

S.O. 1476.—In pursuance of Sub-section (1), (4) and (5) of Section 6 of the Haj Committee Act, 1959 (No 51 of 1959), the election of Shri Kazi Abdul Khaliq A. Kader Vakil, MLA as Chairman and that of Shri Ahmed B. Zakaria and Shri Alamdar Hussain Rizavi as Vice-Chairmen of the Haj Committee, Bombay at the meeting of the committee held on 28th April, 1993 is hereby notified.

[No. M(Haj)118-1/2/89]

J.C. Sharma, Jt. Secy. (GD/Haj)

वाणिज्य मंत्रालय

अधिसूचना

नई दिल्ली, 21 जून, 1993

का. आ. 1477 :—केन्द्रीय सरकार निर्यात (क्यालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निर्यात निरीक्षण परिषद् अंशदायी भविष्य निधि नियम, 1986 में और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्—

1. (1) इन नियमों का संक्षिप्त नाम निर्यात निरीक्षण परिषद् अंशदायी भविष्य निधि (संशोधन) नियम, 1993 है।
- (2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।
2. निर्यात निरीक्षण परिषद् अंशदायी भविष्य निधि नियम, 1986 में नियम 27 के उपनियम (2) के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्—
- (2) यदि इन नियमों के निर्वहन के संबंध में कोई प्रश्न उत्पन्न है तो वह केन्द्रीय सरकार को

निर्दिष्ट किया जाएगा, जिसका विनिश्चय उस पर अन्तिम होगा।”

[फाईल सं. 1/41/87-ई आई एण्ड ई पी]

कुमारी सुमा सुब्बन्ना, निदेशक

टिप्पण—मूल नियम का. आ. सं. 3329 तारीख 27 सितम्बर, 1986 को प्रकाशित किए गए थे और सं. का. आ. 592 तारीख 1 अप्रैल, 1989 द्वारा संशोधित किए गए।

MINISTRY OF COMMERCE

NOTIFICATION

New Delhi, 21st June, 1993

S.O. 1477.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export Inspection Council Contributory Provident Fund Rules, 1986, namely :—

1. (1) These rules may be called the Export Inspection Council Contributory Provident Funds (Amendment) Rules, 1993.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Export Inspection Council Contributory Provident Fund Rules, 1986, for sub-rule (2) of rule 27, the following shall be substituted, namely :—

“(2) If any question arises relating to the interpretation of these rules it shall be referred to the Central Government whose decision there in shall be final”

[No. 1/41/87-EI & EP]

Kum. Suma Subbanna, Director

Note The principal rules were notified vide No. S.O. 3329 dated the 27th September, 1986, and Amendment vide S.O. 592 dated 1st April, 1989.

खाद्य मंत्रालय

नई दिल्ली, 22 जून, 1993

का. आ. 1478 :—केन्द्रीय सरकार सरकारी स्थान (अधिकृत अधिभोगियों की वेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और केन्द्रीय भंडारण निगम के परामर्श से नीचे सारणी के स्तंभ (1) में वर्णित केन्द्रीय भंडारण निगम के अधिकारियों को, जो भारत सरकार के राजपत्रित अधिकारी के समकक्ष रैंक के अधिकारी हैं, उक्त अधिनियम के प्रयोजनों के लिए संपदा अधिकारी नियुक्त करती है जो उक्त सारणी के स्तंभ 2 की तत्स्थानी प्रविष्टि में निर्दिष्ट सारणी

स्थानों के संबंध में अपने क्षेत्राधिकार की स्थानीय सीमाओं के अन्दर उक्त अधिनियम के द्वारा और उसके अधीन संपदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग और अधिरोपित कर्तव्यों का पालन करेंगे।

सारणी

अधिकारी का पदनाम	सरकारी स्थान की श्रेणी तथा क्षेत्राधिकार की स्थानीय सीमा
1	2
कार्मिक प्रबंधक, केन्द्रीय भंडारण निगम केन्द्रीय भंडारण निगम के क्षेत्रीय प्रबंधक	केन्द्रीय भंडारण निगम के स्थान

[संख्या 6-8/93-संग्रह]

आर. एन. तिवारी, संयुक्त सचिव

MINISTRY OF FOOD

New Delhi, the 22nd June, 1993

S. O. 1478. — In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) the Central Government, in consultation with the Central Warehousing Corporation, hereby appoints the officers of the Central Warehousing Corporation mentioned in column (1) of the Table below, being officer equivalent to the rank of Gazetted officer of the Government of India, to be Estate officer for the purpose of the said Act, who shall exercise the powers conferred and perform the duties imposed on estate officer by or under the said Act within the local limits of their jurisdiction in respect of the Public Premises specified in the corresponding entry in column (2) of the said Table.

TABLE

Designation of the officer	Category of Public Premises and local limit of jurisdiction
Personnel Manager, Central Warehousing Corporation/ Regional Managers of Central Warehousing Corporation.	Premises of the Central Warehousing Corporation.

[No. 6-8/93-SG]

R.N. TEWARI, Jt. Secy.

नागरिक पूर्ति, उपभोक्ता मामले और

सार्वजनिक वितरण मंत्रालय

अधिसूचना

नई दिल्ली, 25 जून, 1993

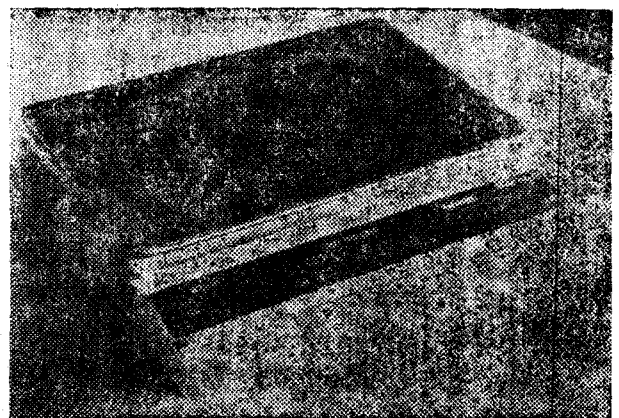
का. आ. 1479.—केन्द्रीय सरकार का, विहित प्राधिकारी (अर्थात् निदेशक) द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात् यह सतयावत हो गया है कि उक्त रिपोर्ट में वर्णित प्रतिमान बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक

(प्रतिमान का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और यह संभावना है कि उक्त प्रतिमान अविरत उपयोग की लम्बी अवधि तक ठीक बना रहेगा और विभिन्न दशाओं में सही सेवा देगा ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, वी. टी. सीरीज के और "विज्ञा" ब्रांड नाम वाले स्वतः सूचक गैर-स्वचालित तोलन उपकरण के प्रतिमान का (जिसे इसमें इसके पश्चात् प्रतिमान कहा गया है), जो मैसर्स रमेश चन्द्र एम. लखाड़िया, लेखाड़ियावाड़ी, सलबतपुरा, सूरत 395003 द्वारा विनिर्मित है और जिसे अनुमोदन चिन्ह आई. एन डी/09/93/04 समनुदेशित किया गया है, अनुमोदन प्रकाशित करती है।

प्रतिमान (आकृति 1 देखिए) एक मध्यम शुद्धता (शुद्धता वर्ग 3) वाला तोलन उपकरण है, जिसकी अधिकतम क्षमता 25 किलोग्राम और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अंतर (ड.) पांच ग्राम है। इसमें एक ऐसी टेयर युक्ति है, जिसका व्यकलनात्मक प्रतिधारण टेयर प्रभाव शत-प्रतिशत है। इसका आधार और भारग्राही स्टैन्लैस स्टील का बना हुआ है। ऊपरी ढांचा प्लास्टिक का बना है। भार ग्राही 340 मिलीमीटर 215 मिलीमीटर आकार का है। 12 मिलीमीटर संप्रतीक आकार का सात खंडीय निर्वात प्रदीप्तिशील प्रदर्श परिणाम उपदर्शित करता है। यह उपकरण 230 वोल्ट, 50 हर्ट्ज के प्रत्यावर्ती धारा वित्तुत प्रदाय पर कार्य करता है।

इस प्रतिमान अनुमोदन के अंतर्गत उसी मेक, शुद्धता और कार्यकरण तथा एक किलोग्राम, 2.5 किलोग्राम, 5 किलोग्राम, 10 किलोग्राम, और 30 किलोग्राम की अधिकतम क्षमता वाले वी. टी. सीरीज के तोलन उपकरण भी आएंगे।



इस प्रतिमान के शुद्धता परीक्षण, कालाश्रित परीक्षण, उत्केन्द्रता परीक्षण, पुनरावर्तनीयता परीक्षण, विभेदन परीक्षण, सहन परीक्षण, वोल्टता और आवृत्ति परिवर्तन परीक्षण,

बैद्युत द्विध्रुव बिम्ब प्रदीपन और ऑप्टिकल ताल परीक्षण किया गए थे और उसका कार्यकरण समाधानप्रद पाया गया था। उपकरण ऐसी रीति में मुद्रांकित किया जाएगा कि मुद्रा पर लगे सत्यापन चिन्हों को सूक्ष्मान पहुँचाए बिना उसके किसी ऐसे पुर्जों तक पहुँचना संभव नहीं होगा, जो उसके माप संबंधी लक्षणों पर प्रभाव डालने हों।

प्रतिमान के अनुमोदन का यह प्रमाणपत्र, वाट और माप मानक (प्रतिमान का अनुमोदन) नियम, 1987 के नियम 14 और नियम 15 में अधिकृत शर्तों के अधीन रहते हुए है। इसके अतिरिक्त, यह प्रमाणपत्र माप संबंधी लक्षणों की बाबत किसी संव्यवहार में उपयोग के लिए उपस्कर की उपयुक्तता के संबंध में है। यह किसी संव्यवहार में उपयोग के लिए या अन्यथा उपस्कर की सुरक्षा की किसी गारंटी को प्रमाणित नहीं करता या इसमें ऐसा विवक्षित नहीं है।

[फा. सं. उक्त्यु एम. 21(26)/92]
सती नायर, संयुक्त सचिव

MINISTRY OF CIVIL SUPPLIES, CONSUMER
AFFAIRS AND PUBLIC DISTRIBUTION

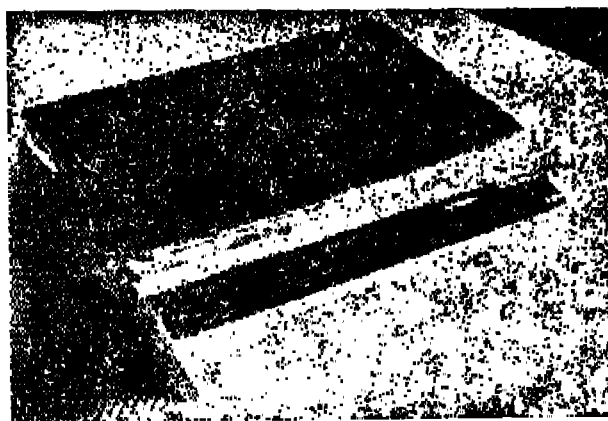
New Delhi, the 25 June, 1993

S.O.1479.—Whereas the Central Government after considering the report submitted to it by the prescribed authority (that is the Director) is satisfied that the Model described in the said report is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Model) Rules, 1987 and the said model is likely to maintain accuracy over period of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of section 36 of the said Act, the Central Government hereby publishes the approval of the Model of the self-indicating non-automatic weighing instrument of VT series and with brand name 'VIJHA' (hereafter referred to as the model) manufactured by M/s. Ramesh Chandra M. Lakhadia, Lekhadiawadi, Salabatpura, Surat-395003 and assigned the approval mark-IND/09/93/04.

The model (See figure 1) is a medium accuracy (Accuracy class III) weighing instrument with a maximum capacity of 25 kilogram and a minimum capacity of 100 gram. The verification scale interval (e) is 5 gram. It has a tare device with a 100 percent subtractive retained tare effect. The base and the load receptor are made up of stainless steel. The upper housing is of plastic. The load receptor is of dimension 340 millimeter X 215 millimeter. The seven segment vacuum fluorescent display of

character size 12 millimeter indicate the weighing result. The instrument operates on 230 volt, 50 hertz alternative current power supply.



This model approval will also cover the weighing instrument of VT series of similar make accuracy and performance and with maximum capacities of 1 kilogram, 2.5 kilogram, 5 kilogram, 10 kilogram and 30 kilogram.—

The model was put to accuracy test, time dependent tests, eccentricity test, repeatability test, discrimination test, endurance test, voltage and frequency variation test, electricity disturbance tests and static temperature test and its performance was found to be satisfactory. The instrument shall be sealed in such a manner so that no access to parts which affect the metrological characteristics shall be possible without damage to verification marks put on the seal.

This certificate of approval of model is subject to the conditions laid down in rule 14 and 15 of the Standards of weights and Measures (Approval of Models) Rules 1987. Further, this certificate relates to the suitability of the equipment for use in any transaction in respect of the metrological characteristics. It does not certify or imply any guarantee as to the safety of the equipment for use in any transaction or otherwise.—

[F.No. WM-21 (26)/92.]
SATHI NAIR Jr. Secy.

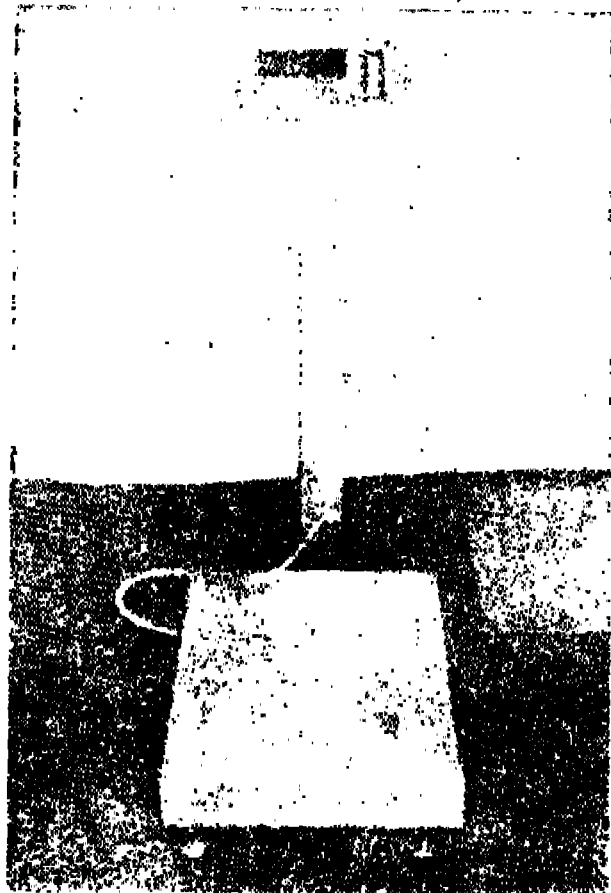
नई दिल्ली, 25 जून, 1993

फा. सं. 1480.—केन्द्रीय सरकार का, विहित अधिकारी (प्रयान्त निदेशक) द्वारा प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित प्रतिमान वाट और माप मानक अधिनियम, 1976 (1976 का 60) और वाट और माप मानक प्रतिमान का अनुमोदन नियम, 1987 के उपबंधों के अनुरूप है और यह संभावना है कि उक्त प्रतिमान अविरत उपयोग की लम्बी अवधि तक ठीक चला रहेगा और विभिन्न दशाओं में सही सेवा देगा

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए वी. पी. सीरीज के और "विज्ञा" ब्रांड नाम वाले स्वतः सूचक गैर-स्वचालित तोलन उपकरण के प्रतिमान का (जिसे इसमें इसके पश्चात् प्रतिमान कहा गया है), जो मैसर्स रमेश चन्द्र एम. लखाड़िया, लेखड़िया-वाड़ी, सलबतपुरा, सुरत-395003 द्वारा निर्मित है और जिसे अनुमोदन चिन्ह-आई एन डी/09/93/03 समनुदेशित किया गया है, अनुमोदन प्रकाशित करती है।

प्रतिमान (आकृति 1 देखिए) एक माध्यम शुद्धता (शुद्धता वर्ग 3) वाला तोलन उपकरण है, जिसकी अधिकतम क्षमता 50 किलोग्राम और न्यूनतम क्षमता 200 ग्राम है। सत्यापन मापमान अंतर (डू) दस ग्राम है। इसमें एक ऐसी टेयर सुविधा है, जिसका व्यकलनात्मक प्रतिधारण टेयर प्रभाव शत-प्रतिशत है। इसका आधार और प्लेटफार्म स्टील के बने हुए हैं। प्लेटफार्म 390 मिलीमीटर × 510 मिलीमीटर आकार का है। 12 मिलीमीटर संप्रतीक आकार का निर्वात प्रतिदीप्तिशील प्रदर्शक तोल परिणाम उपदर्शित करता है। यह उपकरण 230 वोल्ट 50 हर्ट्ज के प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

इस प्रतिमान अनुमोदन के अंतर्गत उसी मेक, शुद्धता और कार्यकरण तथा 100 किलोग्राम, 120 किलोग्राम, 240 किलोग्राम, 250 किलोग्राम, 300 किलोग्राम, 600 किलोग्राम और 1000 किलोग्राम की अधिकतम क्षमता वाले वी. पी. सीरीज के तोलन उपकरण भी जाएंगे।



इस प्रतिमान के शुद्धता परीक्षण, कालाश्रित परीक्षण, उत्केन्द्रता परीक्षण पुनरावर्तनीयता परीक्षण, विभेदन, सहन परीक्षण, बोल्टता और आकृति परिवर्तन परीक्षण, वैद्युत विघ्न परीक्षण और स्थितिक ताप परीक्षण किए गए थे और उसका कार्यकरण समाधानप्रद पाया गया था। उपकरण ऐसी रीति से मुद्रांकित किया जाएगा कि मुद्रा पर लगे सत्यापन चिन्हों को नुकसान पहुंचाए बिना उसके किसी ऐसे पुर्जों तक पहुंचना संभव नहीं होगा, जो उसके माप संबंधी लक्षणों पर प्रभाव डालते हों।

प्रतिमान के अनुमोदन का यह प्रमाण-पत्र, बाट और माप मानक (प्रतिमान का अनुमोदन) नियम, 1987 के नियम 14 और नियम 15 में अधिकृत शर्तों के अधीन रहने हुए हैं। इसके अतिरिक्त, यह प्रमाणपत्र माप संबंधी लक्षणों की बावत किसी संव्यवहार में उपयोग के लिए उपस्कर की उपयुक्तता के संबंध में है। यह किसी संव्यवहार में उपयोग के लिए या अन्यथा उपस्कर की सुरक्षा की किसी गारंटी को प्रमाणित नहीं करता या इससे ऐसा विवक्षित नहीं है।

[फा. सं. डब्ल्यू. एम. 21(26)/92]

सती नायर, संयुक्त सचिव

New Delhi, the 25 June, 1993

S.O. 1480:— Whereas the Central Government after considering the report submitted to it by the prescribed authority (that is the Director) is satisfied that the Model described in the said report is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Model) Rules 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions :

Now therefore in exercise of the powers conferred by sub-section (7) and (8) of section 36 of the said Act the Central Government hereby publish the approval of the Model of the self-indicating non-automatic weighing instrument of V.P. series and with brand name 'VIJHA' (hereafter referred to as the model) manufactured by M/s. Ramesh Chandra M. Lakhadia, Lekhadiawadi, Salabatpura, Surat-395003 and assigned the approval mark-IND/09/93/03.

The model (See figure 1) is a medium accuracy (Accuracy class III) weighing instrument with a maximum capacity of 50 kilogram and a minimum capacity of 200 gram. The verification scale interval (e) is 10 gram. It has a tare device with a 100 percent subtractives retained tare effect. The base and the platform are made up of steel. The platform is of size 390 millimeter X 510 millimeter. The vacuum fluorescent display of character size 12 millimeter indicate the weighing result. The instrument operates on 230 volt, 50 hertz alternative current power supply.

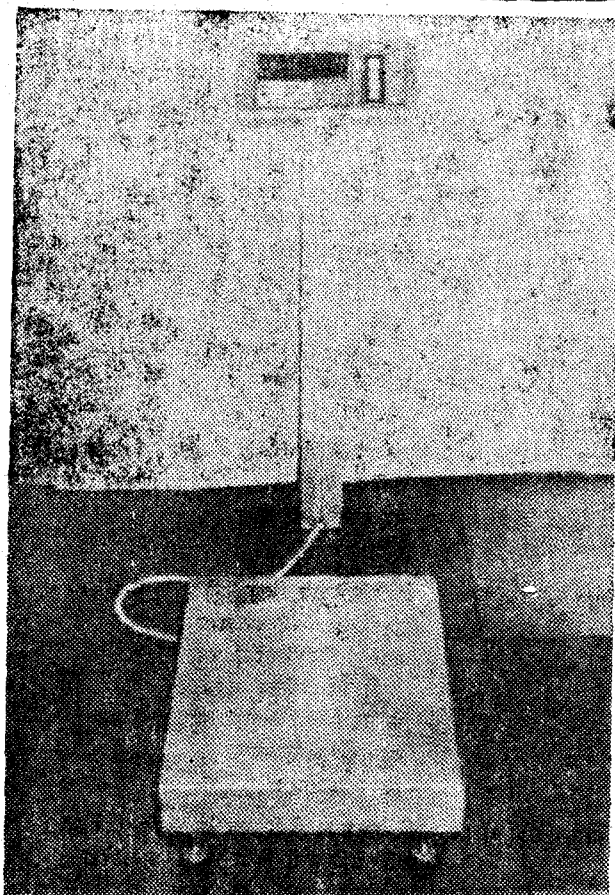


Figure 1

This model approval will also cover the weighing instrument of VP series of similar make, accuracy and performance and with maximum capacity of 100 kilogram, 120 kilogram, 240 kilogram, 250 kilogram, 300 kilogram, 600 kilogram and 1000 kilogram.

The model was put to accuracy test, time dependent tests; eccentricity test, repeatability test, discrimination test, endurance test, voltage and frequency variation test, electrical disturbance tests and static temperature test and its performance was found to be satisfactory. The instrument shall be sealed in such a manner so that no access to parts which affect the metrological characteristics shall be possible without damage to verification marks put on the seal.

This certificate of approval of model is subject to the conditions laid down in rule 14 and 15 of the Standards of Weights and Measures (Approval of Models) Rules, 1987. Further this certificate relates to the suitability of the equipment for use in any transaction in respect of the metrological characteristics. It does not certify or imply any guarantee as to the safety of the equipments for use in any transaction or otherwise.

[F.No. WM-21 (26)/92]
SATHI NAIR, J. Secy.

मानव संसाधन विकास मंत्रालय

(महिला एवं बाल विकास विभाग)

नई दिल्ली, 16 जून, 1993

पुर्त विन्यास अधिनियम, 1890 (1890 का 6) के मामले में
राष्ट्रीय बाल कोष, नई दिल्ली के मामले में

का. आ. 1481—पुर्त विन्यास अधिनियम, 1890 (1890 का 6) की धारा 10 के अनुसरण में केन्द्रीय सरकार एतद्वारा आदेश देती है कि भारत के लिए पुर्त विन्यास के खर्चा की भूतपूर्व वित्त मंत्रालय आर्थिक कार्य विभाग, नार्थ ब्लॉक, नई दिल्ली में निहित तथा सचिव खर्चा की (राष्ट्रीय बाल कोष) के नामे जमा रु. 15,00,000/- (पन्द्रह लाख रुपये केवल मात्र) के अंकित मूल्य की निम्नलिखित प्रतिभूतियों संबंधी प्रतिदान आय को सचिव खर्चा की (राष्ट्रीय बाल कोष) के नामे अंतरित कर दिया जाए।

प्रतिभूतियों का विवरण	अंकित मूल्य	जिस तिथि को देय है
पंचवर्षीय डाकखाना	रु. 5,00,000/-	17-06-93
आवधिक जमा योजना	रु. 10,00,000/-	02-07-03

[सं. 13-4/93 टी. आर. -II]

सुरजीत लाल, अव्वर सचिव

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of Women & Child Development)

New Delhi, 16th June, 1993

In the Matter of the Charitable Endowments Act, 1890
(6 of 1890)

In the Matter of the National Children's Fund, New Delhi.

S.O. 1481.- In pursuance of Section 10 of the Charitable Endowments Act 1890 (6 of 1890), the Central Government do hereby order that the redemption proceeds in respect of the following securities of the face value of Rs. 15,00,000/- (Rupees fifteen lakhs only) held in the name of Secretary-Treasurer (NCF) and vested in the Treasurer of Charitable Endowments for INDIA erstwhile Ministry of Finance, Department of Economic Affairs, North Block, New Delhi be transferred to the Secretary-Treasurer (NCF).

Description of Securities	Face	Maturing on
Five Years Post Office	Rs. 5,00,000/-	17-6-93
Time Deposit Scheme	Rs. 10,00,000/-	02-07-93

[F.No. 13-4/93-TR-11]

SURJIT LAL, Under Secy.

ग्रामीण विकास मंत्रालय

(ग्रामीण विकास विभाग)

(विपणन एवं निरीक्षण निदेशालय)

फरीदाबाद, 8 जून, 1993

का. आ. 1482—साधारण श्रेणीकरण तथा चिन्हांकन नियमावली, 1988 के अधीन मुद्राको प्रदत्त शाक्तियों का प्रयोग करते हुए मैं, ओ. पी. बिहारी, कृषि विपणन सलाहकार, भारत सरकार एतद्वारा स्तम्भ (1) में उल्लिखित नियमों के अनुसरण में, पाण्डिचेरी राज्य, में धरेलू मंडी के लिए कृषि उपज (श्रेणीकरण तथा चिन्हांकन) अधिनियम 1937 (1937 का 1) के अधीन निर्धारित श्रेणीकरण तथा चिन्हांकन नियमों एवं श्रेणी अभिधानों के अनुसार कृषि और अन्य उत्पादों के श्रेणीकरण और चिन्हांकन के संदर्भ में स्तम्भ (3) में विनिर्दिष्ट

राज्य सरकार के अधिकारियों को मन्त्र (2) में यथा उल्लिखित अधिकारों का प्रयोग करने का अधिकार देता है।

साधारण श्रेणीकरण प्रत्यायुक्त शक्तियाँ राज्य के अधिकारी का पदनाम
तथा चिन्हीकृत नियम-
सूची, 1988 के नियम
का संदर्भ

1 2 3

नियम 3(4)	घरेलू श्रेणीकरण के लिए प्राधिकरण प्रमाणपत्र प्रदान करने हेतु आवश्यक प्राप्त करना,	उपनिदेशक कृषि (विपणन) पाण्डीचेरी
नियम 3(5)	आवेदक की सहायता के सत्यापन तथा पत्रियों, प्रयोगशाला, संसाधन एकता के निरीक्षण की व्यवस्था करना तथा घरेलू श्रेणीकरण के लिए प्राधिकरण प्रमाणपत्र प्रदान करने हेतु सिफारिश करना,	—वही—
नियम 4	विकेन्द्रीकरण श्रेणीकरण के बारे में प्राधिकरण प्रमाणपत्र का नवीनीकरण करना।	कृषि निदेशक, पाण्डीचेरी
नियम 8(2)	एगमार्क श्रेणीकरण के लिए प्राईवेट वाणिज्यिक प्रयोगशाला के अनुमोदन की सिफारिश करना,	उप निदेशक, कृषि (विपणन) पाण्डीचेरी
नियम 12	विकेन्द्रीकरण श्रेणीकरण के बारे में श्रेणी अधिष्ठान चिन्हों को जारी करना अथवा प्रयोग को रोकना,	कृषि निदेशक, पाण्डीचेरी

1	2	3
नियम 14	किसी भी अनुसूचित वस्तु उप निदेशक कृषि के बारे में सूचना, रिपोर्ट (विपणन) पाण्डीचेरी विवरणी प्राप्त करना	
नियम 3(8)(ख)	प्राधिकृत श्रेणीकरण परिसरों का निरीक्षण करना तथा यह पता लगाना कि विकेन्द्रीकरण वस्तुओं का श्रेणीकरण तथा चिन्हीकृत मही कर में किया गया है।	—वही—
नियम 3(8)(ग)	विकेन्द्रीकरण श्रेणीकरण के प्राधिकृत पैकरों द्वारा रखे गए रिफाई की जांच करना,	उप निदेशक कृषि (विपणन) पाण्डीचेरी
नियम 3(8)(घ)	श्रेणी अधिष्ठान चिन्ह लगे हुए किसी पैकेज को खोलना तथा निरीक्षण करना तथा किसी भी श्रेणीकृत उपज के नमूने लेना परन्तु सभी नमूनों के लिए संशय किया जाएगा।	—वही—
नियम 3(8)(ङ)	विकेन्द्रीकरण श्रेणीकरण के अधीन आने वाली किसी भी श्रेणीकृत वस्तु का श्रेणी अधिष्ठान चिन्ह रद्द करना या उसे हटाना यदि वह विहित श्रेणी विनिर्देशनों के अनुरूप नहीं है।	कृषि निदेशक पाण्डीचेरी

[सं. क्र. 11011/9/93 -क्यू. सी-III]

ओ.पी. बिहारी, कृषि विपणन सहायक

MINISTRY OF RURAL DEVELOPMENT

(Department of Rural Development)

(Directorate of Marketing and Inspection)

Faridabad, the 8th June, 1993

S.O. 1482—In exercise of the powers conferred on me under the General Grading and Marking Rules, 1988, I, O.P. Behari, Agricultural Marketing Adviser to the Government of India, hereby delegate, in pursuance of the rules cited in column (1), authority to exercise the powers, as specified in column (2), to the officers of the State Government specified in column (3), in respect of grading and marking of agricultural and other produce in accordance with the grade designations and the Grading and Marking Rules prescribed under the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937) for domestic market in the Union Territory of PONDICHERRY.

Reference rule of the GGM Rules, 1988	Powers delegated	Designation of the State Officer
1	2	3
Rule 3(4)	To receive the application for grant of Certificate of Authorisation for domestic grading;	Dy. Director of Agriculture (Marketing) Pondicherry.

(1)	(2)	(3)
Rule 3(5)	To arrange for verification of bonafides of the applicant and inspection of the premises laboratory, processing units and to recommend grant of C.A. for domestic grading;	Dy. Director of Agriculture, (Marketing), Pondicherry.
Rule 4	To renew the certificate of Authorisation in respect of de-centralised grading;	Director of Agriculture, Pondicherry.
Rule 8(2)	To recommend approval of private commercial laboratory for Agmark grading;	Dy. Director of Agriculture, (Marketing), Pondicherry.
Rule 12	To withhold issue or use of grade designation marks in respect of de-centralised grading;	Director of Agriculture, Pondicherry.
Rule 14	To obtain information, report return in respect of any of the scheduled articles;	Dy. Director of Agriculture, (Marketing), Pondicherry.
Rule 3(8)(b)	To inspect the authorised grading premises and to ascertain that grading and marking of de-centralised commodities is correctly performed;	Dy. Director of Agriculture, (Marketing), Pondicherry.
Rule 3(8)(c)	To examine the record maintained by the authorised packers of de-centralised grading;	Dy. Director of Agriculture (Marketing), Pondicherry.
Rule 3(8)(d)	To open and inspect any package bearing grade designation mark and to take samples of any graded produce provided all samples shall be paid for;	Dy. Director of Agriculture, (Marketing), Pondicherry.
Rule 3(8)(e)	To cancel or to remove the grade designation mark from any graded article covered under decentralised grading if found not conforming to the prescribed grade specifications.	Director of Agriculture, Pondicherry.

[No. Q-11011/9/93-QC-III]

O.P. BEHARI, Adviser

परमाणु ऊर्जा विभाग

आदेश

सम्बन्धी, 25 मई, 1993

का. भा. 1483 — परमाणु ऊर्जा अधिनियम, 1962 (1962 के 33 वें) की धारा 27 में प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निदेश देती है कि संलग्न अनुसूची के स्तम्भ (1) में विनिर्दिष्ट निषिद्ध क्षेत्र के संबंध में धारा 19 की प्रदत्त शक्तियों का प्रयोग उक्त अनुसूची के स्तम्भ (2) में उल्लिखित सभी अधिकारियों अथवा किसी भी अधिकारी अथवा प्राधिकारी द्वारा किया जाएगा।

अनुसूची

निषिद्ध क्षेत्र का नाम	अधिकारी अथवा प्राधिकारी का पदनाम
1	2
प्रगत प्रौद्योगिकी केन्द्र (फैट), हन्दीर, तहसील हन्दीर	1. निदेशक, प्रगत प्रौद्योगिकी केन्द्र (फैट) मध्य प्रदेश

1	2
जिला—हन्दीर राज्य—मध्य प्रदेश	2. प्रबंध निदेशक (ए), प्रगत प्रौद्योगिकी केन्द्र, हन्दीर 3. मुख्य प्रशासनिक एवं लेखा अधिकारी, प्रगत प्रौद्योगिकी केन्द्र, हन्दीर 4. प्रशासनिक अधिकारी, प्रगत प्रौद्योगिकी केन्द्र, हन्दीर 5. सुरक्षा अधिकारी, प्रगत प्रौद्योगिकी केन्द्र, हन्दीर

[सं. ए ई ए / 19 (1) / 92 ई आर]
आर. स्वामीनाथन, उप सचिव (ई आर)

DEPARTMENT OF ATOMIC ENERGY

ORDER

Bombay, the 25th May, 1993

S.O. 1483 :—In exercise of the powers conferred by section 27 of the Atomic Energy Act, 1962 (33 of 1962), the Central Government hereby directs that the powers conferred on it by section 19 shall, in respect of the prohibited area specified in column (1) of the Schedule annexed hereto be exercisable also by all or any of the officers or authorities mentioned in column (2) of the said schedule.

SCHEDULE

Name of the prohibited areas	Designation of the officers or authority
(1)	(2)
Centre for Advanced Technology (CAT), Indore, Tehsil—Indore, District—Indore State—Madhya Pradesh.	1. Director, Centre for Advanced Technology (CAT), Indore, Madhya Pradesh. 2. Project Manager (A), Centre for Advanced Technology, Indore. 3. Chief Administrative & Accounts Officer, Centre for Advanced Technology, Indore. 4. Administrative Officer, Centre for Advanced Technology, Indore. 5. Security Officer, Centre for Advanced Technology, Indore.

[No. AEA/19(1)/92-ER/1456]

R. SWAMINATHAN, Dy. Secy. (ER).

बंबई, 25 मई, 1993

का. आ. 1483.—परमाणु ऊर्जा अधिनियम, 1962 (1962 का 33) की धारा 3 के खंड (घ) के उपबंधों के अंतर्गत प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा नीचे दी गई अनुसूची के स्तंभ (1) तथा तत्संबंधित स्तम्भ (2) में विनिर्दिष्ट क्षेत्रों को निषिद्ध घोषित करती है।

अनुसूची

निषिद्ध क्षेत्र का नाम	संलग्न अथवा अन्य विवरण
1	2
प्रगतप्रौद्योगिकी केन्द्र (सीट), उत्तर सिन्धु गांव, सर्वेक्षण सं. 303 भाग इन्दौर तहसील-इन्दौर जिला - इन्दौर राज्य - मध्य प्रदेश	अहिर खेडी 205, 3/2 भाग, 209 भाग, 214 भाग, 11 भाग, 13 भाग, 27 भाग, 25 भाग, 25/1 भाग, 72/1 भाग, 72/1/1 भाग, 72/3 भाग. मुख्यनिवास गांव: 16 भाग, 17 भाग, 13 भाग, 11/1, 11/2 भाग, 124/3 भाग, 120 भाग, 121 भाग, 122/2 भाग, 131/2 भाग, 132/5 भाग,

1	2
	दक्षिण- रंगवास गांव- 514 भाग, 510 भाग, 511 भाग, 05 भाग परिवस-रंगवास गांव 01 भाग, निन्दोदा गांव - 157 भाग, 403, भाग, 402 भाग, 363 भाग, 362, भाग, 361 भाग, 360 भाग, 359 भाग, 369 भाग, 348 भाग, 356 भाग, 355 भाग, 354 भाग, 353 भाग, 352 भाग, 351 भाग, 350 भाग, 349 भाग, 346, 328, 327, 326, 325, 321/456, 321/453, 321/452, 301, 300, 322 भाग, 298, 292, 11. तलवलीकछरा गांव: 242/2 भाग नयडापल गांव: 242, 266 भाग, 337/1/27, 337/1/28, 337/1/10, 337/1/15, 337/2/21, 337/1/13, 337/1/1 भाग, 337/1/16, 337/1/18, 337/1/20 भाग, 337/1/15 भाग, 336/1/10 भाग, 337/1/23 भाग, 332 भाग, 331 भाग, 330 भाग, 337/1/2 भाग, 337/1/7 भाग, 319 भाग, 318 भाग, 317 भाग, 310 भाग, 309 भाग, 305/1/1 भाग, 305/2/3 भाग और 305.

[सं. एडि ए 19 (1)-92-ई भार 1455]

आर. स्वामिनथन, उप सचिव (ई.आर.)

Bombay, the 25th May, 1993

S.O. 1434 :—In exercise of the powers conferred under the provisions of clause (d) of section 3 of the Atomic Energy Act, 1962 (33 of 1962), the Central Government hereby declares the areas as specified in column (1) and as described in the corresponding entry in column (2) of the Schedule below to be Prohibited areas.

SCHEDULE

Name of prohibited areas	Boundaries or other descriptions
(1)	(2)
Centre for Advanced Technology (CAT), Indore, Tehsil—Indore, District—Indore, State—Madhya Pradesh	North by Vill. Sinhasa :—Survey No. 303 Vill. Aherkhedi 205, 3/2 Part, 209 Part, 214. East Vill. Aherkhedi :—Survey No. 3, part, 7 part, 8 + ' + 2 part, 8 + 2 part, 9/1 part, 9/2 part, 10/1/1 part, 10/1/2 part, 11 part, 13 part, 27 part, 25 part, 25/1 part, 72/1 part, 72/1/1 part, 72/3 part. Vill. Sukhniwas :—16 part, 17 part, 13 part, 11/1, 11/2 part, 24/3 part, 120 part, 121 part, 122/2 part, 131/2 part, 132/5 part. South-Vill. Rangwasa :— 514 part, 510 part, 511 part, 05 part. West-Vill. Rangwasa :— 01 part, or Vill. Sindoda—157 part, 403 part, 402 part, 363 part, 362 part, 361 part, 360 part, 359 part, 369 part, 348 part, 356 part, 355 part, 354 part, 353 part, 352 part, 351 part, 350 part, 349 part, 346, 328, 327, 326, 325, 321/456, 321/453, 321/452, 301, 300, 322 part, 298, 292, 11. Vill. Talavalikachara :—243/2 part Vill. Navadapanth :—242, 266 part, 337/1/27, 337/1/28, 337/1/10, 337/1/15, 337/2/21, 337/1/13, 337/1/1 part 337/1/16, 337/1/18, 337/1/20, part, 337/1/15 part, 337/1/10 part, 337/1/23 part, 332 part, 331 part, 330 part, 337/1/2 part, 337/1/7 part, 319 part, 318 part, 317 part, 310 part, 309 part, 305/1/1 part, 305/2/3 part and 305.

[No. AEA/19/(1)/92—ER/1455]

R. SWAMINATHAN, Dy. Secy. (ER)

सूचना और प्रसारण मंत्रालय

नई दिल्ली 15 जून, 1993

का. धा. 1435.—चलचित्र (प्रमाणन) नियम 1983 के नियम 7 और 8 के साथ पठित अन्वित अधिनियम, 1952 (1952 का 37) की धारा 5 उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इन मंत्रालय की त्रिनांक 30-9-91 की अधिसूचना संख्या 809/5 91-एफ (सी) दिनांक 15-5-92, 27-8-92, 22-9-92, 28-12-92 23-2-93 और 26-2-93 की अधिसूचना संख्या 809/9/92-एफ (सी) के अनुक्रम में केन्द्रिय सरकार श्री टी. सी. संतामूर्ति सं. 60 मनिक्वासकर स्ट्रीट, नलवाल लेआउट, राथिनापुरी, कोयम्बटूर-641027 को तत्काल प्रभाव में आने वाले आदेश तक केन्द्रीय फिल्म प्रमाणिकरण बोर्ड के सत्रास सलाहकार पैनल के सदस्य के रूप में नियुक्त करती है।

[फाईल संख्या 809/9/92-एफ (सी)]

एस. लक्ष्मीनारायणन, संयुक्त सचिव

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 15th June, 1993

S.O. 1485:— In exercise of the powers conferred by sub-section (1) of section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules 1983 and in continuation of this Ministry's Notifications No. 809/5/91-F (C) dated 30-9-91 and No. 809/9/92-F(C) dated 15-5-92, 27-8-92, 22-9-92, 28-12-92, 23-2-93 and 26-2-93, the Central Government is pleased to appoint Shri T.D. Santhamoorthy, No. 60 Manickavasakar Street, Nalval Layout, Rathinapuri, Coimbatore-641027, as a member of the Madras advisory panel of the Central Board of Film Certification with immediate effect and until further orders.

[File No. 809/9/92-F (C)]

S. LAKSHMI NARAYANAN, Jt. Secy.

भ्रम मंत्रालय

नई दिल्ली, 11 जून, 1993

का. प्रा. 1456.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-6-93 को प्राप्त हुआ था।

[सं. एल-12012/29/86डी- IV (ए)]

हरीश गौड़, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 11th June, 1993

S.O. 1486 :— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workmen, which was received by the Central Government on 11-6-93.

[No. L-12012/29/86-D IV (A)]

HARISH GAUR, Desk Officer

ANNEXURE

BEFORE SRI ARJUN DEV, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 15 of 1987.

In the matter of dispute between :—

The General Secretary

U.P. Bank Employees Union

165 Sohbatia Bagh,

Allahabad.

AND

The Regional Manager

Punjab National Bank Regional Office,

Betia Hata Gorakhpur.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-12012/29/86-D.IV (A) dt. 20-1-87 has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of Punjab National Bank in relation to their Vikramjit Branch in imposing punishment of stoppage of one increment with cumulative effect vide order dt. 27-8-84 and punishment reducing basic pay to the next lower grade vide order dt. 21-9-84 on Shri D.P. Singh Special Assistant is fair, just and legal. If not, to what relief the workman concerned is entitled ?

2. On 01-6-92, the case was ordered to come up for affidavit evidence by the Union. When on 4-9-92 the case was taken up for hearing Sri B.P. Saxena orally prayed for time which was allowed and the case was ordered to come up on 3-11-92. Since

3-11-92 no affidavit evidence was filed on behalf of the Union.

3. It therefore appears to me that the Union is not interested in prosecuting the case any more. It is a very old case being of 1987, as such the same cannot be allowed to linger on any more.

4. In view of the facts and circumstances stated above a no claim award is given against the Union/workman.

5. Reference is answered accordingly.

ARJUN DEV, Presiding Officer

नई दिल्ली, 11 जून, 1993

का. प्रा. 1487.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, यूनियन बैंक आफ इन्डिया के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-6-93 को प्राप्त हुआ था।

[संख्या एल-12012/378/89-डी-2 (ए)]

हरीश गौड़, डेस्क अधिकारी

New Delhi, the 11th June, 1993

S.O. 1417 :— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Union Bank of India and their workmen, which was received by the Central Government on 10-6-93.

[No. L-12012/378/89-D II A]

HARISH GAUR, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA: PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 12/90

In the matter of dispute between :

Shri Dharam Chand S/o Shri Gorakh Ram,

Village Ramgarh, Shashimwara,

P.O. Sheerpur, District Dehradun-248001.

Versus

The Assistant General Manager,
Union Bank of India,
Zonal Office, Zone I,
Hotel Clark Avadh,
8 M.G. Marg, Lucknow-226001.

Appearances : Shri R.P. Goyal for the workman.

Shri S.N. Mehra for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/378/89-D-2 (A); dated

Nil has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the management of Union Bank of India in terminating the services of Shri Dharamchand s/o Shri Gorakh Ram, Armed Guard w.e.f. 15-11-87 is justified ? If not to what relief the workman is entitled to ?”

2. The parties in the dispute have settled the matter and filed settlement Ex. M1 in the court by making statement. In view of this statement which has been duly signed by the representative for the workman and the management and has been accepted by this court I order that No dispute now exist between the parties and the matter stands settled vide Ex. M1. The Parties shall remain bound by the terms of this settlement and shall bear the costs of this dispute.
May 31, 1993

GANPATI SHARMA, Presiding Officer

MEMORANDUM OF SETTLEMENT REACHED BETWEEN THE REPRESENTATIVES OF THE MANAGEMENT AND THE WORKMAN ON

Representing Employer :

Deputy Perl. Manager, Union Bank of India,
Zonal Office, Lucknow.

Representing Workman :

Shri Rajaishwar P. Goyle, 117 Chander Nagar,
Dehradun—Authorised Representative of Shri
Dharm Chand son of Shri Gorakh Ram.

SHORT RECITAL OF THE CASE

An Industrial dispute was raised by Shri Dharm Chand son of Shri Gorakh Ram, Ex-Armed Guard BO : Malpura, Union Bank of India, before the Assistant Labour Commissioner (C), Dehradun which was ultimately referred for adjudication before Central Government Industrial Tribunal, New Delhi listed as I.D. No. 12 of 1990. During the proceedings discussions/negotiations were made with the workman and the authorised Representatives of the workman, and as a result thereof, a settlement has been reached between both the parties in an amicable atmosphere and with free will.

TERMS OF THE SETTLEMENT

1. That the Management agrees to offer Shri Dharm Chand S/o. (Late) Shri Gorakh Ram Ex-Armed Guard reinstatement in the services of the Bank as an Armed Guard in Subordinate Cadre within one Month of the Settlement.

2. That the Workman agrees to forego the claim of back wages for the intervening period w.e.f. 15-11-87 till his joining of duties in pursuance of this Settlement, which will be treated as extraordinary leave on loss of pay and allowances.

3. That the posting order in pursuance of this Settlement will be issued by the Deputy General Manager, Zonal Office, Lucknow as per requirement/exigencies of the Bank.

4. That it has been mutually agreed by the Parties that this Settlement fully and finally resolves the entire matter of dispute under reference between the said Shri Dharm Chand and the Management of the Bank.

Dated at 31st this day of May 1993 at New Delhi.
Representing workman Representing Employer
(Rajaishwar P. Goyle) (S. N. Mehra)
Authorised Representative Dy. Personnel Manager,
Zonal Office, Lucknow

Witnesses.

Om Parkash Yodi

60, Soti Ganj Meerut City

नई दिल्ली, 11 जून, 1993

का. भा. 1488— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, इलाहाबाद बैंक के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच अंतुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-6-93 को प्राप्त हुआ था।

[संख्या एल-12012/117/88-डी-2(ए)]

हरीश गौर डेस्क अधिकारी

New Delhi, the 11th June, 1993

S.O.1488:— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Allahabad Bank and their workmen which was received by the Central Government on 11-6-93.

[No. L-12012/117/88-DII A]

HARISH GAUR, Desk Officer

ANNEXURE

Before Shri Arjan Dev, Presiding Officer,
Central Government Industrial Tribunal-
cum-Labour Court, Pandu Nagar, Kanpur.

Industrial Dispute No. 148 of 88

In the matter of dispute between :—

Sri Pappu Prasad Sonkar
c/o Sri P.C. Bajpai,
990-Y-Block, Kidwai Nagar,
Kanpur.

Sri Ram Prasad,
c/o Sri V.N. Sekhari,
26/104, Birhana Road,
Kanpur.

And

Dy. General Manager,
Allahabad Bank,
Zonal Office,
Lucknow.

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,
CENTRAL GOVT., INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. I.D. 103/87

Charanjit Singh Vs. Punjab & Sind Bank.

For the workman.—Shri Roshan Lal Sharma.
For the management.—Shri J. S. Bawa.

AWARD

Central Govt. vide gazette notification No. L-12012/314/87-D.II(A) dated 18th November 1987 issued U/S 10(1)(d) of the I.D. Act 1947 referred the following dispute to this Tribunal for adjudication :—

"Whether the action of the management of Allahabad Bank in terminating the services of Sri Pappu Prasad Sonkar and Ram Prasad and not considering them for further employment while recruiting fresh hands under sec. 25H of the I.D. Act is justified? If not, to what relief are the concerned workmen entitled? "

2. On 23-4-93 when the case was taken up Sri A.K. Nagar appeared for the management but none appeared for the workmen despite issue of notice. In this case the first date for filing of the affidavit evidence from the side of the workmen was 15-1-90 but since then the case is getting adjourned for one reason or the other.

3. It therefore, appears to me that the workmen are not interested in prosecuting their case any more. As such a no claim award is given against the workmen. Reference is answered accordingly.

ARJAN DEV, Presiding Officer

नई दिल्ली, 14, जून, 1993

का.प्र. 1489.—अर्थशास्त्रिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसर्ग में, केन्द्रीय सरकार, पंजाब एण्ड सिन्ध बैंक के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पत्रपत्र को प्रकाशित करती है, जो केन्द्रीय सरकार का 11-6-93 को प्राप्त हुआ था।

[चंडिया एन-12012/314/87-डी-2 (ग)]

एच. मा. गौड़, डेस्क अधिकारी

New Delhi, the 14th June, 1993

S.O. 1489.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab & Sind Bank and their workmen, which was received by the Central Government on 11-6-93.

[No. L-12012/314/87-D.II-A]
H. C. GAUR, Desk Officer

"Whether the management of Punjab & Sind Bank is justified in terminating the services of S. Charanjit Singh an apprenticeship before the completion of one year and also not considering him for further employment while recruiting fresh hands under Section 25-H of the I.D. Act? If not, to what relief is the workman concerned entitled? "

2. It has been alleged in the statement of claim that the petitioner was appointed as an apprentice on 4-11-1976 at Anandpur Sahib branch on payment of pocket allowance of Rs. 200. It is further alleged that his training period was fixed for one year. He agreed to the terms and conditions and joined the post. It is further alleged before the completion of the training his services were terminated without any basis. No charge sheet or show cause notice was given. He made representation but no action has been taken and his representation was rejected on 9-7-1985. It is further alleged that one Trilochan Singh who was appointed as apprentice after him was retained. Thus the management has violated the provisions of Section 25 G&H of the I.D. Act 1947 and prayed for reemployment with effect from when his junior was appointed alongwith consequential benefits and pay etc.

3. The management contested this claim. The objection was taken that present reference was raised after a period of 6-1/2 years and thus belated. Further stand was taken that it is a simple case of termination of contract of apprenticeship in terms of clause No. 5 of the contract apprenticeship enrolment letter dated 11-4-1976. On merits contentions of the petitioner made in the statement of claim were denied. It is pleaded that there is no violation of Sections 25G and 25H of the I.D. Act and the petitioner was not retrenched from employment rather contract of apprenticeship was determined in terms of enrolment letter as there was valid contract of apprenticeship duly signed and accepted by the workman and prayed for the dismissal of the reference.

4. Replication was also filed reasserting the claim made in the statement of claim.

5. The petitioner in support of his case produced himself as WW1. He filed his affidavit Ex. W1 in evidence. In cross-examination he has admitted that he was getting Rs. 200 P.M. as pocket allowance as under trainee as apprentice. The management got proved the document Ex. M1 enrolment letter. The management produced Surinder Singh Oberoi Officer Pb & Sind Bank as MW1. He filed his affidavit Ex. M2 in evidence.

6. I have heard both the parties, gone through the evidence and record.

7. Counsel appearing on behalf of the petitioner has argued that the services of the petitioner was illegally terminated. It is further pointed out that the management has violated the provisions of Section 25-G as the junior to the petitioner namely Trilochan Singh was retained. There is no force in this contention. Ex. M1 is the enrolment letter dated 4-11-1976 duly signed and accepted by the petitioner. This stipulates that his pocket allowance will be Rs. 200 during the period of training. In the end of this letter it stipulates that the period is about one year. Thereafter bank does not

take responsibility to absorb him in the bank. The said enrolment letter further stipulates that "during your apprenticeship period, your services can be terminated without assigning any reason". Apprenticeship period was terminated prior to the completion of one year on 20-6-1977. Therefore, termination of apprenticeship period is in accordance with the enrolment letter Ex. M1 which was accepted by the petitioner. The petitioner was appointed as an apprentice under the Apprenticeship Act. During the said period the management is within its right to terminate the apprenticeship as contained in Section 18 & 19 of the Apprenticeship Act. Apprentices are the trainee and not workers and in as much as the apprenticeship act is the special act. Definition of workman as spelled out in the Apprenticeship act would apply. Therefore, it is established that the petitioner was not 'Workman' but only a apprentice and his apprenticeship period was terminated in accordance with the enrolment letter Ex. M1. Thus the petitioner can not raise any grievance for the action of the management.

8. The plea of violation of Section 25-G that one junior namely Trilochan Singh have been retained is ill founded in view of the discussion made in the earlier paras and also the same has also not been proved by way of any documentary evidence.

9. In view of the discussion made in the earlier paras there is no merit in this reference and the same is dismissed and returned to the Ministry as such.

Chandigarh.

Dated : 31-5-93.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 14 जून, 1993

का.प्र. 1490 :-- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, न्यू बैंक आफ इंडिया के प्रबन्धन के संरक्षित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि-करण, चंडीगढ़ के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 11-6-93 को प्राप्त हुआ था।

[पंख्या एल-12012/86/85-ईए-4 (ए)]

एच.सी. गौर, डेस्क अधिकारी

New Delhi, the 14th June, 1993

S.O. 1490.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of New Bank of India and their workmen, which was received by the Central Government on 11-6-93.

[No. L-12012/86/85-D.IV-A]

H. C. GAUR, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,
CENTRAL GOVT., INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. I.D. 103/87

Nachhattar Singh Vs. New Bank of India

For the workman.—Shri T. C. Sharma.

For the management.—Shri Ashok Jagga.

AWARD

Central Govt. vide gazette notification No L-12012/86/85-D.IV(A) dated 19th March 1986 issued U/S 10(1)(d) 1429 GI/93—4

of the I.D. Act 1947 referred the following dispute to this Tribunal for adjudication :—

"Whether the termination of employment of Shri Nachhattar Singh, gunman by the management of New Bank of India, Ludhiana is justified? If not, to what relief is the concerned workman entitled and from what date?"

2. It has been pleaded that the petitioner is an ex-service-man. He alongwith 5/6 persons were interviewed in the last week of May 1984 by the respdt. bank at Ludhiana for the post of gunman. The petitioner was selected and joined as gunman in the branch of the respdt. bank at Kum. Kalan on 27-5-1984. Rate of wages was fixed at Rs. 15 per day. He last performed his duty on 22-10-1984 as his services were terminated from that date. It is further pleaded that in the month of October 1984 the bank appointed about 60 gunmen in various branches. The petitioner was neither retained nor had been offered appointment and thus his termination is unjustified, unfair and illegal and prayed for reinstatement with continuity and with full back wages.

3. The management in their written statement took preliminary objection that the petitioner had worked as S.P.O. Under Section 17 of the Police Act by the orders of the executive magistrate to provide protection and security to the Bank. Working as SPO does not involve any liability on the bank except payment of honorarium of Rs. 15 per day as decided in the meeting held by Surinder Nath Advisor to Governor Punjab with officers of the bank on 27-3-1984 wherein it was decided that SPO shall not be treated as employees of the bank and will not be entitled to claim employment and other concessions which are available to the bank employees. Thus there is no industrial dispute on account of the termination of the petitioner. The petitioner was never interviewed for the post of gunman by the bank. Verification and enrolment was done by the police authorities. The bank had only to pay the honorarium and the cost of uniform. Providing of the weapon was the responsibility of the police. Bank had never engaged the services of the petitioner. It is further pleaded that there is no question of termination of employment of the petitioner by the bank as there is no privity of contract between the petitioner and the bank. It is further pleaded that the employment of the petitioner was of a very short duration. The petitioner was on deputation as SPO in view of the law and order situation in the State of Punjab. It is thus prayed that reference is ultra vires and invalid and be dismissed.

4. Replication was also filed reasserting the claim made in the statement of claim.

5. The petitioner in support of his case produced himself as MW. He filed his affidavit Ex. W1. In cross-examination he had admitted that he received no appointment letter from the bank. The management produced Mr. C. R. Garg as MW1. He filed his affidavit Ex. M1 in evidence. The petitioner got proved Ex. W2 memorandum dated 22-10-1984 relieving the petitioner. The management also produced MW2 Kiran Kumar, Asstt. Manager. He filed his affidavit Ex. MW2/1 and relied on the documents Ex. M2/2, M2/3 and MW2/4.

6. I have heard both the parties, gone through the evidence and record.

7. Counsel appearing on behalf of the workman has argued that termination of the services of the petitioner has been done by the respdt. management in violation of Section 25F, 25-G and 25-H. There is no force in this contention. It is a simple case wherein in the light of deteriorating law & order situation in Punjab State it has been thought fit by the police department to provide SPO at vulnerable branches and their honorarium was left to be paid by the bank branches so guarded. In this connection Ex. MW2/3 is the memorandum dated 28-3-1984 issued by the Inspector General of Police to the Senior Supdt. of Police in the State of Punjab alongwith minutes of the meeting of the banks officers held with the Advisor to Governor Punjab Ex. MW2/2 in connection with the deployment of the SPO of vulnerable branches of the bank stipulates the various instructions and conditions of which minutes of the meeting is that for all the branches guard will be provided by the district supdt.

of police after selecting suitable ex-servicemen who will be appointed as SPO terms of Section 17 of the Police Act, and the management of each branch will arrange to pay each SPO honorarium @ Rs. 15 per day for the full period of 30/31 days in the month. It also stipulates in the meeting, that it will be made plain to all individuals employed of this duty that they are not regular employees of the bank and should not therefore, harbour in their mind any claim for permanent employment or other concessions which are available to the bank employees. It is in this context the petitioner are employed in the said branch. Ex. M2/A is the specimen appointment letter of one Arjun Singh (not the petitioner in this case) which shows that recruitment was done by Superintendent of Police as SPO @ Rs. 15 per day. It was further indicated in the said specimen appointment letter that the said honorarium will be paid to him during his posting only by the concerned bank and the management has referred the various provisions of the Police Act 1952 which envisages appointment of SPO at the cost of individual U/S 13 of the Police Act which provide that the district superintendent of police and officer senior to him on the application of any person depute any number of police officers at the charge of person making the application. However it has been admitted by the petitioner that he did not receive any appointment letter from the bank. There is enough evidence on the file to show that the present petitioner was appointed as SPO by the police authorities in context of Section 17 & 18 of the Police Act and with reference to the minutes of the meeting held by the bank authorities with the advisor to the Governor of Punjab as referred above. The petitioner was deputed to guard the bank branches and the bank management has agreed to pay honorarium @ 15 per day. Present petitioner never applied to the bank and the respdt. bank never issued any appointment letter to him. There is no relationship of master and servant between the bank and the petitioner. There is nothing on the record that any regular cadre of special police officers was created by the bank. The petitioner was certainly adhoc employee of the police department and not the employee of the Resptl. bank. There is no question of termination of service of the petitioner by the respdt. bank. Thus there is no question of violation of any provision of the I.D. Act 1947.

In view of the discussion made in the earlier paras the petitioner is certainly not entitled to any claim. The reference is answered accordingly.

Chandigarh.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 16 जून, 1993

का.स. 1491:— औद्योगिक विवाद अधिनियम, 1917 (1917 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार, केंद्र बैंक के प्रबन्धन के संबंध निदेशकों और उनके कर्मचारों के बीच, अन्वय में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के संवत् को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-6-93 को प्राप्त हुआ था।

[संख्या एल- 12012/486/88-डी-2 (ए)]

एच.म. मोड, डेस्क अधिकारी

New Delhi, the 16th June, 1993

S.O. 1491.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Canara Bank and their workman, which was received by the Central Government on 15-6-93.

[No L-12012/486/88-D II-A]
HARISH GAUR, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. I.D. 44/89.

Ishwar Singh Vs. Canara Bank

For the workman.—Workman in person.

For the management.—Shri P. Amrit Raj.

AWARD

Central Govt. vide gazette notification No. L-12012/486/88-D II(A) dated 10th March 1989 issued U/S 10 (d) of the I.D. Act 1947 referred the following dispute to this Tribunal for adjudication —

"Whether the action of the management of Canara Bank in stopping one annual graded increment of Shri Ishwar Singh Jaglan is justified? If not, to what relief is the workman entitled?"

2. In the statement of claim it has been alleged that he was charge sheeted on 7-8-1985 on the ground that he had written a letter to once Dharam Pal demanding him to deposit the amount advanced to him although the said loan account stood adjusted on 9-3-1982. Secondly he had withdrawn Rs. 100 in excess from the account of an illiterate lady by filling more amount than intended to be withdrawn. He submitted his reply denying charges. It is further alleged that one incident relating to 7-4-1977 was also included in the charge sheet which was already decided by the management on 23-1-1978. It is further alleged that Laxmi Commercial Bank was taken over by Canara Bank and after merger Canara Bank become vindictive towards him and other employees of Laxmi Commercial bank. It is further alleged that he was posted at Panipat Branch office and it was totally a mischievous act of some body to have forged his signatures on the letter addressed to Dharam Pal. It is further alleged that enquiry was conducted without following the principle of natural justice and enquiry officer himself had acted as disciplinary authority. Enquiry was proceeded ex parte though he had applied for leave. It is further alleged that the enquiry officer illegally relied on the opinion of the handwriting expert. Enquiry was conducted with predetermined notions which is totally unjust. It is thus prayed that the action of the management in stoppage of one annual graded increment be declared unjustified and illegal and same may be ordered to be restored with retrospective effect alongwith interest, penalties and also prayed for the expenses of litigation.

3. The management in their written statement has taken the stand that on 1-8-1980 Naultha Branch advanced Rs. 4000 to one Dharam Pal against security of credit balance of R. D. No. 418 and FDR for Rs. 2000 standing in the name of Ishwar Singh Jaglan. This loan was adjusted on 9-3-1982. Subsequently the petitioner got typed a letter and got prepared rubber stamp of the bank and posing himself as manager issued notice to the borrower to pay principal and interest amounting to Rs. 4593-89 inspite of the fact that the said loan stood adjusted long time back. Further stand of the management is that enquiry was conducted after affording full opportunity to the employee and the management. Hand writing expert's opinion was also obtained who had opined that the handwritings were identical to the applicant's handwriting. Thereafter, enquiry officer proposed the punishment of stoppage of one increment with cumulative effect. Disciplinary authority agreed to the findings and imposed the said punishment. The petitioner filed an appeal before the appellate authority which was also rejected. It was admitted that incident of 7-4-1977 was also included in the charge sheet. Further stand of the management is that the employee purposely failed to participate in the enquiry in an effective manner and did not examine any defence witness. Further stand of the management is that departmental enquiry does not suffer from any infirmity and prayed for the dismissal of the reference.

4. The petitioner WW1 filed his affidavit Ex. W1 in evidence. The management produced Mr. P. Amrit Raj MW1. He tenders his affidavit Ex. M1. In his affidavit he has mentioned both charges on which enquiry was conducted. He has stated that enquiry was posted for 21-1-1986 for which

the communication was sent to the petitioner on 7-1-1986. Enquiry was postponed to 10-2-1986, 17-2-1986 and then on 20-2-1986. But the petitioner did not appeal on 20-2-1986 and evidence of two witness recorded including handwriting expert Mr. H. L. Bhami, on the said date. The case was further fixed on 25-3-1986.

On 25-3-1986 the petitioner appeared alongwith his representative, however did not produce any witness in support of his defence, instead he was demanding to call the defence witnesses and also the management's witnesses for cross-examination and also sought adjournment to 3-4-1986 and the same was adjourned for the said date at Delhi. On 3-4-1986 the petitioner also sought adjournment as his defence representative was not present. The same was declined with a request to petitioner for submission of his written brief. Thereafter, enquiry officer submitted his report on 23-9-1986 proposing the punishment of stoppage of one increment with cumulative effect.

5. I have heard both the parties gone through the evidence and record.

6. Respondent management has withheld the enquiry proceedings as same has not been filed in the court for the purpose of appreciation of the fairness of the enquiry. The sequence available in the affidavit of the management's witness Ex. M1 gives the indication that the enquiry was conducted without following rule of natural justice, that is to say does not give reasonable opportunity to the employee of being heard and to lead evidence and to cross-examine the witnesses of the management. As apparent from the affidavit of MW1 Mr. P. Amrit Raj, the evidence of the management witnesses were recorded on 20-2-1986 and the case was adjourned for 25-3-1986. On this date the petitioner put up his appearance. He made request for calling the management's witnesses for cross-examination and also defence witnesses. In para 5 of the affidavit it is apparent that enquiry officer had adjourned the proceedings for 3-4-1986 to give him an another opportunity to the petitioner thus implies that the enquiry officer had allowed him to participate in the enquiry and in that situation it was the duty of the enquiry officer to accede to the request of the petitioner for calling the management's witnesses for the purpose of cross-examination and then asking the petitioner for the production of the defence witnesses. But it looks that same was not done as the case was adjourned to 3-4-1986 for the defence evidence, ignoring this aspect that the petitioner should be given an opportunity to question the witnesses after knowing him full what they have stated against him. This is the barest requirement of an enquiry of this character and this requirement must be substantially fulfilled, without giving a chance to rebutt the evidence led against him. It would be unfair to say that the workman would be in a position to produce defence witnesses.

Another violation which apparently the management had committed during the course of enquiry. Case was adjourned for 3-4-1986 and the enquiry was fixed at Delhi. On the said date as reflected in the affidavit, the petitioner sought adjournment as his defence representative was not in a position to come to Delhi and the said request was rejected. Although the enquiry officer should have in order to afford reasonable opportunity to defend himself should have allowed adjournment because as apparent from the said affidavit the enquiry officer was not in a hurry to complete the enquiry proceedings as the enquiry was adjourned for nearly five months to 23-9-1986. This action of the of bias in the person who conducted the enquiry.

Thus taking the overall view of the situation to the effect that the enquiry proceedings have been withheld as not placed on the second for the appreciation of fairness of the enquiry and the violation at the hands of the enquiry officer as discussed above has resulted in some sort of sufferance, handicapped or prejudiced to the petitioner and of course the violation of principle of natural justice, therefore, enquiry is vitiated. The punishment of stoppage of one increment is set aside. However it is open for the respdt./management, if they so choose, can proceed in accordance with the law and rules

after giving proper opportunity to the petitioner and pass proper orders. It is further directed that if they so choose to proceed in accordance with law the forum should be completed within four months from the publication of this Award.

Chandigarh.
31-5-1993.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 16 जून, 1993

का.आ. 1492: -- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बैंक ऑफ बड़ोदा के प्रबन्धन के संबंध निम्नलिखित और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मद्रास के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-6-93 को प्राप्त हुआ था।

[संख्या एल-12012/119/90-आई आर (बी-2)]
एच. सा. गौड़, डेस्क अधिकारी

New Delhi, the 16th June, 1993

S.O. 1492.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Madras as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workmen, which was received by the Central Government on 15-6-93.

[No. L-12012/119/90-IR(B-II)]

H. C. GAUR, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU
MADRAS

Monday, the 31st day of May, 1993

Present :

THIRU M. GOPALASWAMY, B.Sc., B.L., Industrial Tribunal.

INDUSTRIAL DISPUTE NO. 86 OF 1990

(In the matter of the dispute for adjudication under section 10(1)(d) of the Industrial Dispute Act, 1947 between the workman and the management of Bank of Baroda, Madras-2.)

BETWEEN

Thirumathi M. Devi, No. 17, Rangoon Street, Thousand Lights, Madras-600 006.

AND

The Branch Manager, Bank of Baroda, Mount Road, P.B. No. 2246, 1 Club House Road, Madras-600 002.

REFERENCE :

Order No. L-12012/119/90-IR(B-II), dated 23-10-90 of the Ministry of Labour, Government of India, New Delhi.

This dispute coming on for final hearing on Monday, the 10th day of May, 1993 upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiru M. Chidambaram, Advocate appearing for the workman and of Thiru B. Narasimhan, Advocate for the management and this dispute having stood over till this day for consideration, this Tribunal made the following :

AWARD

This dispute between the workman and the management of Bank of Baroda, Madras arises out a reference under section 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of India in its order No. L. 12012/119/90-IR. B.II, dated 23-10-90 of the Ministry of Labour, for adjudication of the following issue :

"Whether the action of the management of Bank of Baroda in terminating the services of Smt. Devi Casual Labour is justified ? If not, to what relief the workman is entitled ?"

The petitioner states as follows : Her mother was working under the Respondent as a Sweeper. Petitioner was appointed on 8-7-69 in the same post after her mother retired. Petitioner was doing the job of fetching drinking water and sweeping the premises. Daily she did this job for about four hours in the morning. In the beginning she was paid 25 Ps. per day. Finally, her wage was increased to Rs. 25/- per week. All on a sudden, she was denied job on 10-4-1989 without any reasons. The termination from employment is illegal and unjust. A suitable award may be passed.

The respondent in its counter states as follows : The Industrial dispute is not maintainable. The petitioner's job of fetching drinking water was done every day in just one hour, after completion of which, she left the office to work elsewhere. Petitioner's mother has not worked under the Respondent. Petitioner's work being purely temporary and casual, she was deserted her employment and failed to attend to the work voluntarily. She has thus kept away from the workspot and abandoned the job with ulterior motive. Hence the petitioner is not entitled to any relief. The claim is liable to be dismissed.

The Points for consideration are as follows :-

1. Whether the termination of the petitioner from service or denial of employment to her is illegal and unjust ?
2. To what relief ?

Points 1 and 2 : Petitioner Smt. Devi examined herself as W.W.1 Mr. Narayanan who has worked in the Respondent's Mount Road Branch as an Officer and who is now working as Branch Manager in Bank of Baroda Branch at Mangadu in the management's witness. Exs. W.1. to W.5 were marked. The contention of the Respondent, Bank of Baroda, Mount Road Branch, that this dispute is not maintainable has no legal and factual basis. The fact whether petitioner's mother has worked as a Sweeper-cum-waterwoman under the Respondent is not very material. Petitioner's employment as a Sweeper-cum-Waterwoman under the Respondent from 8-7-1969 is admitted. According to WW1 she has to bring several pots of drinking water and sweep the premises of the Respondent daily on all working days. This work will take four hours daily according to her version. I see no reason to disbelieve the evidence of W.W.1 Devi. The petitioner has asked for wage increase in her letter Ex. W.1. dated 24-4-1989. When petitioner moved the conciliation authority the respondent filed Ex. W.2. reply dated 10-5-1989. In this reply Respondent states that the weekly wage of the petitioner was raised from Rs. 20/- to Rs. 25/-, that the job done by the petitioner being a casual job has been allotted to a women employee who is a member of the sub-staff doing some other routine work and that the petitioner has got employment elsewhere. In the conciliation failure report Ex. W.4, the conciliation officer narrates the facts which reveal that the job done by the petitioner has been allotted to a woman worker whose job as a part time employee was converted into a full time post following an agreement with the employees union and that in such circumstances, petitioner's services were terminated. The respondent did not pay any compensation under Sec. 25-F of the Industrial Disputes Act. The definition of workman given in section 2(e) includes even a casual worker doing the job for a few hours that is part of a day. The evidence of M.W.1 Thiru Narayanan is an admission that he does not know the facts relating to petitioner's job. His version that the petitioner was denied job as she brought polluted or contaminated water instead of potable water is contrary to the pleadings. The respondent has failed to produce the record relating to payment of wages to the petitioner. Even in the absence of any such document, the admissions made by the respondent both in the counter and in the conciliation proceedings establish that petitioner has been continuously working as a regular worker for 20 years, fetching water and sweeping the premises. There is no doubt that this job is a permanent one and not a casual one. No credence can be given to respondent theory that poor petitioner abandoned her job voluntarily. It would therefore be correct to say that the petitioner was employed as a part-time worker in a permanent job and that her termination which is illegal and arbitrary amounts to unlawful retrenchment in terms of section 25-F of the Industrial Disputes Act. Hence the petitioner is entitled to be reinstated in service with all benefits and back wages. These points are answered accordingly.

In the result, an award is passed directing the respondent to reinstate the petitioner in service granting her back wages, continuity of service and other attendant benefits. No costs.

Dated this 31st of May, 1993.

THIRU M. GOPALASWAMY, Industrial Tribunal

WITNESSED EXAMINED

For worker

W.W.1—Thirumathi M. Deevi. (Petitioner-worker).

For management

M.W.1—Thiru S. Narayanan.

DOCUMENTS MARKED

For worker

Ex. W-1/24-4-89—Letter from management to the worker Smt. M. Devi (xerox copy).

Ex. W-2/10-5-89—Letter from management-bank to the Assistant Labour Commissioner (Central)-I, Madras. (xerox copy).

Ex. W-3/24-1-90—Letter from the worker to Labour Officer. (xerox copy).

Ex. W-4/21-2-90—Conciliation Failure Report.

For management : Nil.

नई दिल्ली, 15 जून, 1993

का. प्र. 1493 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नीमचा कोलियरी आफ मैसूर ई.सी. लि. के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार की 11-6-93 को प्राप्त हुआ था।

[संख्या एल-22012/162/90-आई धार (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 15th June, 1993

S.O. 1493.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Nimcha Colliery of M/s. E.C. Ltd. and their workmen, which was received by the Central Government on 11-6-93.

[No. I-22012/162/90-IR(C-II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL, ASANSOL

REFERENCE NO. 56/90

Present :

Shri N. K. Saha, Presiding Officer.

Parties :

Employers in relation to the management of Nimcha Colliery under Satgram Area of M/s. E.C. Ltd.

AND

Their Workman

Appearances :

For the Employers.—Sri P. K. Das, Advocate.

For the Workman—None.

INDUSTRY : Coal

STATE : West Bengal

Dated, the 28th May, 1993

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012(162)/90-IR(C.II) dated the 30th November, 1990.

SCHEDULE

"Whether the management of Nimcha Colliery under Satgram Area of M/s. E. C. Ltd., was justified in not accepting Shri Jailal Yadav, Overman's date of

birth as 16-5-1949 recorded in statutory certificate as authentic and final? If not, to what relief the workman is entitled?"

2. The case of the union in brief is that Sri Jailal Yadav is a permanent worker of Nimcha Colliery under M/s. Eastern Coalfields Ltd. He was appointed in October '67 and presently he has been working as Overman at Nimcha Colliery under Satgram Area. Union states that the date of birth of Jailal Yadav has been recorded in Form B Register on the basis of the report of the Area Medical Board as 43 years on 28-5-86. That means his date of birth is 28-5-43. In May 1987 the management decided to issue service excepts to all employees with a view to invite protest regarding correction of age and other particulars. This workman also got such service excepts and submitted protest stating that his date of birth is 16-5-49. But the management did not take any action. The workman wrote a letter to the management contending his date of birth as 16-5-49 according to his Mining Sirdarship Certificate and other certificates. So a dispute was raised on behalf of the workman.

The attempts of conciliation failed. The matter was sent to the Ministry of Labour, Govt. of India and ultimately the dispute has been referred to this Tribunal for adjudication.

3. The management has filed written objection contending inter-alia that the date of birth of Sri Jailal Yadav has been rightly recorded in the Form B Register as 28-5-43 on the basis of the report of the Area Medical Board. The management has also denied all the material averments made by the union in their written statement.

4. In this case the union ultimately did not turn up to proceed with the case. I find that the age of the concerned workman Sri Jailal Yadav was determined as 43 years on 28-5-86 by Area Medical Board. That means his date of birth was assessed as 28-5-43. This workman was appointed in service in October, 1967. The workman has not produced any documentary evidence to show that his date of birth was 16-5-49. It has been stated in the written statement of the union that according to Gas Testing Certificate, Sirdarship Certificate, Overman Certificate and the School Certificate his date of birth is 16-5-49. But I find that all those certificates were issued long after October '67. So considering that aspect it is not possible to put any reliance on those certificate. On the other hand there is nothing to disregard the findings of the Area Medical Board.

5. In the result I find that the action of the management was justified in not accepting the date of birth of Sri Jailal Yadav as 16-5-49. So the concerned workman Sri Jailal Yadav is not entitled to any relief.

This is my award.

N. K. SAHA, Presiding Officer

नई दिल्ली, 15 जून, 1993

का.सा. 1494 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम सी सी एल. के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पत्रपत्र को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-6-93 को प्राप्त हुआ था।

[संख्या एन-21011/4/85-डी-III (बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 15th June, 1993

S.O. 1494.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the central Government hereby publishes the award of the Central Government Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 11-6-1993.

[No. L-21011/4/85 D-III(B)]
RAJA LAL, Desk Officer.

ANNEXURE BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

Present :—Sri Y. Venkatachalam, M.A., B.L.,
Industrial Tribunal
TWENTY SEVENTH DAY OF MAY NINETEEN HUNDRED NINETY THREE
Industrial Dispute No 40 of 1986

BETWEEN :
The Workmen of S.C. Co. Ltd., Kothagudem
Division, P.O. Venkateshkani, Khammam. ... Petitioner.
AND
The Management of Singareni Collieries
Company Limited, Kothagudem Division,
P.O. Venkateshkani, Khammam. ... Respondent.

APPEARANCES :—

Sri D.S.R. Varma and Sri C. Balaji Narayana,
Advocates for the Workmen-Petitioner.
Sri K. Srinivasa Murthy and Miss G. Sudha,
Advocates for the Management-Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-21011/4/85-D.III(B), dt. 29-8-1986 referred the following dispute under Section 10(1)(d) & (2A) of the Industrial Disputes Act, 1947 between the employers in relation to the management of M/s. Singareni Collieries Company Limited, Kothagudem Division P.O. Venkatesh Khani District Khammam and their Workmen to this Tribunal for adjudication :

"Whether the management of Singareni Collieries Company Ltd., Kothagudem, Division is justified in not paying Cat. IV wages to S/Shri Ch. Narsimha Murthy Chaya Suryanarayana and M. Sunder Rao, Lorry Muccadams working at Coal Screening Plant, Rudrampur? If not, to what relief the workmen are entitled?"

This reference was registered as Industrial Dispute No. 40 of 1986 and notices were issued to both parties. The brief averments of the claim statement filed by the Petitioner-workman read as follows :

Sarvasri Ch. Narsimha Murthy, Chaya Suryanarayana and M. Sunder Rao are working as Lorry Muccadams at Central Screening Plant, Kothagudem Collieries from quite a long time. They are drawing Cat. III wages. They have represented with the Management of Singareni Collieries under Grievance procedure to promote them to Cat. IV wages on par with the other Muccadams working at Yellandu Collieries. There was no fruitful result. Later on the Union has represented with the Asst. Labour Commissioner(C), Vijayawada vide Union letter dt. 27-8-1982 (copy enclosed). The conciliation proceedings were held and the following minutes were recorded on 17-11-1982.

"During the discussion held, the Management representative assured to ascertain the nature of duties prevalent in other divisions and corrective action if necessary will be taken within 15 days." (copy enclosed)

As the Management has kept quite, the Union represented with the Asst. Labour Commissioner(C) Vijayawada vide Letter dt. 31-3-1983 (copy enclosed). Sarvasri Chava Suryanarayana, M. Sunder Rao and Ch. Narsimha Murthy who are working as Lorry Muccadams are performing the following jobs mentioned hereunder :—

- (1) Giving attention to proper spraying of Lorries.
- (2) Diversion of lorries for dumping at different places as per Engineer Instructions.
- (3) Information to be given to Shift Engineers regarding delays, supply of lorries to Mines, whenever Lorries required for transporting of coal.
- (4) To follow instructions of CSP Shift Engineer as regards dumping coal on ground, and also to get instructions from Shift Engineer from time to time.
- (5) Proper measurement of Lorries received at Coal Screening Plant.

- (6) Recording of Lorries account.
- (7) Maintaining of three shift summary and reporting to the authorities.

In the other CSPs the Lorry Muccadams have been provided with a helper and there is separate rest shed for Lorry Muccadams. The same facilities are denied for the Lorry Muccadams here in Kothagudem. In addition to this in our Kothagudem the Lorry Muccadams are attending signal work. It is stated that Sarvasri V. Durga Rao, N. Laxminarayana and R. Nageshwar Rao who worked as General Mazdoors at Yellandu Central Screening Plant has been promoted as Muccadams in Category II wages with effect from 1st September, 1978 from Cat. I wages vide the Divisional Superintendent of Yellandu Office Order dt. 9-9-1978 (copy enclosed). The same workmen have been promoted again to Cat. II wages with effect from 1-7-1979 changing their designation as Hopper Muccadams vide the Divisional Superintendent, Yellandu Office Order dt. 9-9-1979 (copy enclosed). The job description of Hopper Muccadams at Yellandu CSP are given in their office order. There is no any difference between the performance of work by Lorry Muccadams working at Kothagudem Central Screening Plant and Hopper Muccadams working at Yellandu Collieries Central Screening Plant. But they have been designated at Kothagudem as Lorry Muccadams and provided Cat. III wages and the same personnel at Yellandu have been designated as Hopper Muccadams and provided with Cat. IV wages. All of them are performing similar duties, hence the Lorry Muccadams working at Kothagudem Collieries Central Screening Plant should be given Cat. IV wages without any discrimination with retrospective effect. Sarvasri Chava Suryanarayana, M. Sunder Rao and Ch. Narasimha Murthy who are working as Lorry Muccadams are rightly entitled for Cat. IV wages. The Management has violated the principles of natural justice and therefore we appeal to the Honourable Industrial Tribunal kindly order for promoting to Cat. IV wages in respect of Sarvasri Chava Suryanarayana, M. Sunder Rao and Ch. Narasimha Murthy, Lorry Muccadams of Central Screening Plant, Kothagudem Collieries and all other Lorry Muccadams working at various Central Screening Plants of Singareni Collieries Company Limited with retrospective effect and thus do the justice. It is prayed the Hon'ble Tribunal that they may be permitted to add or delete any matter concerned to the above dispute at the time of hearing.

3. The brief averments of the counter filed by the Respondent-Management read as follows:—Without prejudice to the rights of this management it is submitted that entire factual and legal position has been totally misconceived by the petitioner. It is submitted that the views expressed by the management before the conciliation officer were misconstrued by the Petitioner Union. The allegation that the Lorry Muccadams working in Coal Screening Plant (CSP) in Category IV is not correct and in the Respondent Company Lorry Muccadams were placed in Category III. There is a distinction of work between Lorry Muccadams and Hopper Muccadams. It is pertinent to submit according to the nature of duties discharged and the area they are working under the circumstances of the said places the designations, categorisation and duties will be given to these workmen. As Yellandu is placed on a different footing Muccadams working on Hoppers were designated as Hopper Muccadams and they were fixed in the scale of Category IV. Lorry Muccadams under any circumstances cannot compare themselves with Hopper Muccadams. All the three workmen in the reference i.e. Sri Ch. Suryanarayana, Sri M. Sunder Rao and Sri Ch. Narasimha Murthy are working as Lorry Muccadams at Kothagudem CSP. They are performing the following duties :

- (1) To mark in and out times of the trips made by the lorries engaged on transportation of coal from different mines of the Division.
- (2) To release pin of the lorries read-side door for unloading the coal into CSPs bunker

The reference only deals with the categorisation of wages and nothing more as such any claim made under the guise of reference is bad in law and totally outside the scope of reference and this Hon'ble Tribunal will not have any jurisdiction to entertain any alleged claims of the Union. That the Wage Board for coal industry has given description of various categories including Lorry Muccadam i.e. the job of the workmen involved in this dispute. Basing on the said

job description the duties have been entrusted to Lorry Muccadams. At the time of fixation of category the petitioner Union raised a dispute and made a demand along with other demands and the same has been referred to Sri Raghunath Reddy Arbitration and an Award was passed on 11-2-1974 and the relevant portion of the award with reference to Lorry Muccadams reads as follows :

"The Unions have demanded Cat. IV for these workers on the ground that they had to supervise the work of Category II Mazdoors. But I find that prior to Wage Board they have been in Cat. III and they have now been placed in Cat. II according to the Wage Board recommendations. The matter may be discussed before the Bi-partite Committee for a decision."

In the year 1977 the Petitioner Union issued a strike notice once again re-negotiating to fix Lorry Muccadams in Cat. IV though Raghunath Reddy award is binding on them. With an intention to keep industrial relations and peace in the Respondent Mines, the Management entered into a settlement with the Union wherein management agreed to pay Category III to this workmen in dispute with effect from 1-7-1979. Thus all the three workmen herein who are given Category III wages though was not entitled to. It is further submitted that the said Settlement is binding on them and they are not entitled to re-agitate the issue. It further submitted that the Management will be submitting conciliation proceedings at the time of enquiry which may be read as part and parcel of counter which shows the actual representations made by the management as well as Union. The assurance given is to see if there is any anomaly in the nature of discharging duties will be corrected but not with regard to categorisation. The workmen in dispute are not entitled to compare with Sarvasri V. Durga Rao, N. Laxminarayana and R. Nageswar Rao who are working at Yellandu and they are not Lorry Muccadams at all. The nature of job discharged by them is totally different from the nature of the job discharged by the workman herein. As Sri Durga Rao, N. Laxminarayana and R. Nageshwar Rao are entitled for Category IV wage they are fixed in the said category and the workmen in this dispute cannot compare with them as the nature and circumstances are different from the nature and circumstances where Lorry Muccadams are placed. The allegation the nature of duties are not different is not correct. The designation given to Hopper Muccadams according to the nature of duties discharged by them. Lorry Muccadams of Kothagudem i.e. workmen in dispute cannot compare with others nor there is any discriminatory attitude applied by the Management. The workmen are not entitled to claim any relief with retrospective effect as the reference itself with regard to justification of Cat. IV. The Management is justified in placing all the three workmen in Cat. III. That the Respondent is running in losses and is not in a position to take any extra financial burden and the wages given are given to the workman according to the categories. Though the matters are settled Union cannot make same demand time and again. This Hon'ble Tribunal may be pleased to dismiss the claim made by the Union.

4. W.W1 to W.W3 were examined for the Petitioner-Workmen and marked Exs. W1 to W4. Whereas M.W1 to M.W4 were examined for the Respondent-Management and marked Exs. M1 to M9 on its behalf.

5. The point for adjudication is whether the Management of Singareni Collieries Company Limited, Kothagudem Division is justified in not paying Cat. IV wages to S Sri. Ch. Narasimha Murthy, Chava Suryanarayana and M. Sunder Rao, Lorry Muccadams working at Coal Screening Plant, Rudrampur?

6. The contention of the Petitioner Workmen is that Sri Ch. Narasimha Murthy, Chava Suryanarayana and M. Sunder Rao are working as Lorry Muccadams at Central Screening Plant, Kothagudem Collieries from quite a long time. They are drawing Category III wages. They have represented to the Management to promote them to Category IV wages on par with the other Muccadams working at Yellandu Collieries. There was no fruitful result, the Petitioner-Workmen approached the Assistant Labour Commissioner (C), Vijayawada. The conciliation proceedings were held and the following minutes were recorded on 17-11-1982. "During the discussions held, the Management representative assured

to ascertain the nature of duties prevalent in other Divisions and corrective action if necessary will be taken within 15 days. Though a period of more than four months have been lapsed no action has been taken by the Management. The further contention of the Petitioner-workman is that there is no any difference between the performance of work done by Lorry Muccadams working at Kothagudem Central Screening Plant and Hopper Muccadams working at Yellandu Collieries Central Screening Plant. But they have been designated at Kothagudem as Lorry Muccadams and provided Category III wages and the same personnel at Yellandu have been designated as Hopper Muccadams and provided with Category IV Wages. All of them are performing similar duties, hence the Lorry Muccadams working at Kothagudem Collieries Central Screening Plant should be given Category IV wages without any discrimination with retrospective effect.

7. The argument of the Respondent-Management is that there is a distinction of work between Lorry Muccadams and Hopper Muccadams. As Yellandu is placed on a different footing Muccadams working on Hoppers were designated as Hopper Muccadams and they were fixed in the scale of Category IV. Lorry Muccadams under any circumstances cannot compare themselves with Hopper Muccadams.

8. W.W1 is Ch. Narasimha Murthy. He deposed that he is working as Lorry Muccadam in S. C. Co. Limited at C. S. P. No. 5 Incline. This dispute relates to injustice done to him, and Chava Suryanarayana and M. Sunder Rao. Both of them are also Lorry Muccadams. They have been drawing Category II Wages. In Yellandu Collieries for people working as Lorry Muccadams Category IV wages are being paid. They do the same work as those people. They claim that they should also be paid wages as Category IV. Their representation to Management in this regard did not produce results. They took the matter to the notice of Assistant Commissioner of Labour (Central). In the discussion before conciliation officer the management assured that within 15 days they would make enquiries about wages paid to Lorry Muccadams in adjoining areas and pay us the higher wages if they are being paid at Yellandu. Subsequently as Management did not take any action in this regard they again brought the matter to the notice of Assistant Commissioner of Labour (Central). As Lorry Muccadam they note down the times of incoming and outgoing lorries and they also note down whether each lorry is properly loaded or not. Unless they check it it cannot be unloaded. They also direct the lorries to various places as per instructions of officers. They have to supervise deployment of lorries. If there are delays in arrivals and departures of lorries we have to bring them to notice of superior officers. They also look after deployment of lorries as per needs of each work and each place. They measure lorry loads of coal with a measurement rod to see whether proper load is put in the lorry or not. They maintain lorry accounts. They have to prepare shift wise summary for lorries. They do in books. For Night shift they make entries in books and the person in charge of night shift prepares total summary of all the three shift in the form of a return. The same nature of work is done by Hopper Muccadams working in Yellandu. They are paid Category IV wages. In other C. S. Ps. also there are Lorry Muccadams. They also have Helpers. They have no helpers. In other C. S. Ps. rest sheds were constructed only recently about one year ago they constructed a temporary rest shed for them also. Here there do signal work which is not part of duties of Hopper Muccadams of Yellandu. For Hopper Muccadams in Yellandu the office order gives a detailed description of the jobs they have to do and the duties they have to attend to. As seen from those office orders they do the same work as Hopper Muccadams. The only difference between them and their people is designation change and difference in wages. They are paid Category IV wages while they are paid category III wages. They only pray for granting parity of wages as they do the same work.

9. WW2 is D. A. Nithyananda Rao. He deposed that he is the Central Secretary of Singareni Collieries Workers Union. He knows the facts of this I. D. and the details of dispute involved. The workers involved in this I. D. are commonly called Lorry Muccadams and in fact there are different types of names—Lorry Muccadams, Measurement Muccadams, Hopper Muccadams. All of them do same type of work. In Kothagudem all these people are known as Lorry Muccadams. At Yellandu they are known as Hopper

Muccadams and Measurement Muccadams. In National Coal Wage agreement there is only one designation Lorry Muccadams for all these different types of muccadams. Normally the prefix Hopper and Measurement are used only to indicate persons working on Hopper and persons taking measurements. The duties for all these three types are same. Ex. W1 is office order dt. 9-9-1979 showing job description of Hopper Muccadams. Ex. W2 is office order giving job description for measurement muccadams at Yellandu. Under Ex. W3 dt. 9-9-1978 three persons were promoted as Lorry Muccadams. Their duties were not indicated. It mentions that jobs to be carried out will be intimated later. In claim statement they have given a few more items of work or jobs to be done by Hopper Muccadams in addition to what are indicated in Ex. W1. Lorry Muccadams are Category II employees. Hopper Muccadams at Yellandu are in Category IV. They claim that as duties and work are same they ask for Lorry Muccadams of Category II to be treated as Category IV just as in Yellandu. All the workers involved in this dispute were promoted to Category III w.e.f. from 1-7-1979 under Ex. W4 dt. 27-9-1979.

10. W. W. 3 is V. Durga Rao. He deposed that he is working at C. S. P. Yellandu as Hopper Muccadam. He is in Category IV. He was in Category II and then he was promoted to Category IV as Hopper Muccadam. Ex. W1 is the promotion order. In Category II as well as Category IV he is performing the same duties as Hopper Muccadam. This post of Hopper Muccadam is in all Divisions. At Kothagudem the same post is known as Bunker. As Hopper Muccadams they receive the lorries coming with coal and note down the lorry number, mine names and pit name. Then they get the lorry load sprayed with water to prevent dust and then get it dumped. His duties were enumerated in his promotion order dt. 9-9-1979 is Ex. W1. He knows the duties of Lorry Muccadams in Kothagudem. They do the same work which they do. There is no difference in duties.

11. M.W. 1 is G. Bhaskar Reddy. He deposed that he is working as Divisional Engineer at C.S.P., Kothagudem in the Management Company. He know the dispute in this case. There are 12 Coal Screening Plants in the Company. There are three in Kothagudem Region, four in Ramagundam Region and five in Bellampally Region. The functions of the C.S.P. are collection of coal from all the mines, grading of coal, and despatching of coal. Coal is coming by lorries from some of the Mines and by belt conveyors from some mines. The nature of jobs done by Lorry Muccadams are (1) to mark in and out timings of the lorries engaged for coal transport (2) to release the pin of the lorry for unloading the coal. The lorry muccadams are placed in III category. Originally they were in Category II. The duties of Hopper Muccadams are (1) Properly measurement of coal lorries received from the Mines, (2) Special concentration on water spraying arrangement on the lorries, (3) Delays regarding coal lorries used for coal transporting to be intimated to Engineers, (4) Diversion of lorries for dumping of coal at the different places. The operation of lorries muccadams on one hand and hopper muccadams on the other are different. Hopper is a permanent structure and lorry is a vehicle. Hopper Muccadams are in Category IV. No rest shelter or assistance is given for lorry muccadams at Kothagudem. Even the lorry muccadams are working at other C.S.P. are not given rest shelters. Even in Kothagudem no facilities are given to the lorry muccadams. In all the C.S.Ps. the duties of Lorry Muccadams are one and the same. They are not extracting any extra work from the lorry muccadams. Basing on the duties performed by them the categories are provided.

12. M.W. 2 is N. Gowrishankar. He deposed that he is working as Assistant Engineer, S.C. Company at Yellandu since August, 1983. From November, 1985 to January, 1990 he worked as Asst. Engineer in Coal Screening Plant, Yellandu (i.e. in C.S.P.). At that time, he used to look after preventive and break down machinery such as maintenance of belt conveyor Coal crushing vibrating screens. He also used to look after the coal transport from the mines to C.S.P. and coal despatches by wagons and lorries. The workmen working there used to be under my direct control and supervision. At Yellandu, there are no workers in our company as Lorry muccadams, but there were only Hopper Muccadams, Hopper muccadams belongs to Category No. IV they used to work under his control. Hopper Muccadams have to note down the timings of arrivals and departures of the lorries, and particulars as to from which mine the lorry arrived. They

also have to note, the details as to in which hopper the coal loan was unloaded, besides the certification of the quantity of coal. They have to send hourly reports to the shift Engineer containing all these particulars. The Hopper Muccadam have to look after the water spraying of the lorries for suppression of dust. He allocates the lorries to the various mines depending upon the coal available. Ex. M-3 contains the details of the duties of the Hopper Muccadams noted by me for the purpose of convenience. Lorry Muccadams working at Kothagudem are in the category No. III. The duties of lorry muccadam are far distinct and separate from the duties of a Hopper Muccadams. The Hopper Muccadams should not only possess the requirements of lorry muccadams but they should be skilled person and educated persons. The Hopper Muccadams have to manage that maximum number of lorries are accommodated in the Hoppers and he should minimise the dumping of coal on the ground. The Hopper Muccadams has to take permission of shift Engineer for dumping the load on the ground. Lorry Muccadams and Hopper Muccadam do not discharge similar functions. A lorry muccadam merely does two functions (1) removing the pins of the lorries, (2) noting down the timings of the movements of the lorries. So they cannot extract the duties of Hopper Muccadams if lorry muccadams are entrusted to them. They usually recruit Hopper Muccadams. If they have a minimum qualification of a pass in VII class, whereas Lorry Muccadams need not be illiterates. Lorry Muccadams have no supervisory duties. Lorry muccadams need not be a skill person.

13. M.W3 is K. Ranga Swamy. He deposed that he has been working as Sr. Divl. Industrial Engineer in Singareni Collieries Company Limited since 17 years. He knows the facts of this case. Lorry Muccadams and Hopper Muccadams are two different designation in the Respondent Company. In Yellandu Area, the Hopper muccadams have to work with little extra skill and their duties are (1) giving attention for proper spraying of lorries, (2) proper measurement of lorries arriving at C. S. Ps, (3) to follow the instructions of shift Engineer for dumping of coal in the coal yard and he will be assisting the Shift Engineer as and when required (4) Diversion of lorries for unloading at C.S.P. and C. S. P. Yards and (5) to inform the shift Engineers the delays of lorries at the end of the shift apart from their normal duties. The duty of Lorry Muccadams are (1) to mark in and out timings of trips made by the lorries and (2) to allow the door pin opened and to arrange the opening of the door pin. For the extra duties of Hopper Muccadams as above stated by him, the Unions of the workmen demanded higher category, for which the management did not agree. On that the matter was referred to the Conciliation Officer by the Unions. In the conciliation proceedings a settlement was arrived at and the Hopper Muccadams were given higher category i.e. Category IV. The Memorandum of Settlement arrived at between the Management and the Union during the conciliation proceedings in Ex. M4 and it is dated 29-6-1973. Later the management issued a circular dt. 27-9-1979 and the copy of the said circular is Ex. M5. As per Clause 6 in Ex. M5 the lorry muccadams are placed in Category III with effect from 1-7-1979. The Respondent Company is having 10 areas and there are 32 lorry muccadams in 9 areas and 3 Hopper muccadams in one area i.e. in Yellandu Area. Ex. M6 is the list showing the area-wise lorry muccadams and Hopper muccadams working in the Respondent Company as on 28-2-1991, and prepared by the Management for the sake of convenience.

14 M. W4 is K. Chandra Mouli. He deposed that he has been working as Sr. Personnel Officer in the Respondent Company since two years and previously he worked in different capacities in the Respondent Company since 1980. He knows the facts of this case. Lorry Muccadams are in Category II and it is unskilled job. By virtue of settlement dt. 6-8-1979 they were given Category III. Hopper Muccadam is a skilled job and it is in Category IV job. No job description was given either in Wage Board or N. C. W. A. and or in I. B. C. C. I. for Hopper Muccadams. In 1973 the Respondent Company received Hopper Machinery and at the time the general mazdoors were appointed as Hopper Muccadams in Category IV as per the Settlement with the Union dt. 29-6-1973 to work on that Hopper Machinery. They have received AM 50 machines about 6 or 7 years back and they appointed Keshereer Operator in the

E. P. Grade. Ex. M7 is the photostat copy of the office order dt. 9-9-1979 in which the job description of Hopper Muccadams and the Grade given to them in Category IV were specified. Ex. M8 is the photostat copy of the Central Wage Board for Coal Industry. Ex. M9 is the photostat copy of the J.B.C.C.I. giving nomenclature of the photostat copy description of the job of Hopper Muccadam were not given in Exs. M8 and M9. Lorry Muccadams will not discharge the duties of Hopper Muccadams. The Respondent Company is not financial capacity to bear any additional financial burden to pay the wages of Hopper Muccadams to Lorry Muccadams.

15. At the very outset, we have to see the job description of Hopper Muccadams at Yellandu Collieries and the Lorry Muccadams at Kothagudem C. S. P. As per the Office Order issued by the Respondent Company under Letter No. YCP/7A/1558 dt. 9-9-79 the duties of the Hopper Muccadam is as follows :

1. Giving attention to proper spraying of lorries.
2. Diversion of lorries for dumping at different places as per Engineer's instructions.
3. Information to be given to shift Engineers, regarding delays, supply of lorries to Mines, whenever lorries required for transporting coal.
4. To follow instructions of C. S. P. shift Engineer as regards dumping on ground. Also to ask Shift Engineer as and when required.
5. Proper measurement of lorries received at C. S. P. As per claims statement filed by the Petitioner-workman the Lorry Muccadams are performing the following jobs mentioned hereunder :

1. Giving attention to proper spraying of Lorries.
2. Diversion of lorries for dumping at different places as per Engineer instructions.
3. Information to be given to Shift Engineers regarding delays, supply of lorries to Mines, whenever, lorries required for transporting of coal.
4. To follow instructions of CPS Shift Engineer as regards dumping coal on ground, and also to get instructions from Shift Engineer from time to time.
5. Proper measurement of lorries received at Coal Screening Plant.
6. Recording of Lorries account.
7. Maintaining of three shift summary and reporting to the authorities.

In addition to the above job, the evidence of W. W1 in his chief examination has stated that they do signal work which is not part of duties of the Hopper Muccadams at Yellandu. A perusal of the above job performance I find that there is not much difference between the job performed by the Lorry Muccadams and Hopper Muccadams. The evidence of W.W. 1, he deposed that the same nature of work is done by Hopper Muccadams working in Yellandu they are paid Category IV Wages. He further deposed that in other C. S. Ps also there are lorry muccadams who also have Helpers and they have no helpers. In other C. S. Ps rest sheds were constructed only recently about one year ago, they constructed a temporary rest shed for them also. In support of the above contention, the evidence of W. W2 who is the Central Secretary of Singareni Collieries Workers Union deposed that the workers involved in this industrial dispute are commonly called a Lorry Muccadams and in fact there are different types of names, Lorry Muccadams, Measurement Muccadams, Hopper Muccadams. All of them do same type of work. W. W2 further deposed that in National Coal Wage Agreement there is only one designation Lorry Muccadam for all these different types of muccadams. He deposes that normally the prefix Hopper and Measurement are used only to indicate persons working on Hopper and persons taking measurements. The duties of all these three types are same. From the above facts, I find that there is no difference between the performance of work by Lorry Muccadam working at Kothagudem Central Screening Plant and Hopper Muccadam working at Yellandu Collieries

Central Screening Plant but only designations are different i.e. they have been designated at Kothagudem as Lorry Muccadams and provided Cat. III wages and the same personnel at Yellandu have been designated as Hopper Muccadams and provided with Category IV wages. Since all of them are performing similar duties, the Lorry Muccadam workings at Kothagudem Collieries Central Screening Plant should be given Category IV wages. The Petitioner-workmen Savvasri Ch. Narasimha Murthy, Chava Suryanarayana and M. Sunder Rao who are working as Lorry Muccadams are rightly entitled for Category IV wages.

16. In the result, the Management of Singareni Collieries Company Limited, Kothagudem Division is not justified in not paying Category IV wages to S/Sri Ch. Narasimha Murthy, Chava Suryanarayana and M. Sunder Rao, Lorry Muccadams working at Coal Screening Plant, Rudrampur. The Petitioner-workmen are entitled for Category IV wages.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 27th day of May, 1993.

Y. VENKATACHALAM, Industrial Tribunal-I.
Appendix of Evidence.

Witnesses Examined
for the Workmen :

Witnesses Examined
for the Management :

WW1 C.H. Narasimha Murthy M. W1 G. Bhaskar Reddy
W.W2 D.A. Nithyananda Rao M. W2 N. Gourishankar
W.W3 V. Durga Rao M. W3 Sri K. Ranga Swamy.
M. W4 C. Chandra Mouli.

Documents marked for the Workmen :

- Ex. W1 Photostat copy of the Office Order at 9-9-79 issued to V. Durga Rao and to others by D. S. Y. D. S. C. Co. Ltd., promoting them the category-IV with effect from 1-7-1979.
- Ex. W2 12-9-78 Photostat copy of the Instructions dt. 12-9-78 given by Manager C. S. P. Yellandu Division to V. Durga Rao and 2 others.
- Ex. W3 9-9-78 Photostat copy of the Office Order dt. 9-9-78 issued to V. Durga Rao and 2 others by the Divisional Superintendent, Yellandu Division promoting them as Muccadams in category-II with effect from 1-9-78.
- Ex. W4 27-9-79 True Copy of the Circular No. P.9/3683/3598 dt. 27-9-79 issued by General Manager (H. Q) to all Divisional Superintendents of all Collieries with regard to CSP Workers.

Documents marked for the Management.

- Ex. M1 11-2-74 True Copy of the Extract of Raghunatha Reddy Award passed on 11-2-74 with regard to demand No. 68-CSP Muccadams.
- Ex. M2 9-9-79 Photostat copy of the promotion order dt. 9-9-79 issued to V. Durga Rao and 2 others by the D. S. Y. D. S. C. Co. Ltd., Yellandu.
- Ex. M3 Duties of Hopper Muccadams working on Category-IV at Yellandu CSP.
- Ex. M4 29-6-73 Memorandum of Settlement dt. 29-6-1973 entered Under Section 12(3) of I.D. Act, 1947 between the Management of S. C. Co. Ltd., Yellandu and their workmen represented by the Andhra Pradesh Singareni Colliery Mazdoor Sangh at Kothagudem before the Regional Labour Commissioner (C) Hyderabad.
- Ex. M5 27-9-79 Copy of Circular dt. 27-9-1979 issued by the General Manager (HQ) to All Divisional Superintendents and all Collieries.

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Ex. M6 28-2-91 Copy of Area-wise Men-onrolls of Lorry Muccadams and Hopper Muccadams as on 28-2-1991 in Singareni Collieries Company Limited.

Ex. M7 9-9-79 Office Order it gives job description of Hopper Muccadams and extra grades etc. (Xerox)

Ex. M8 Photostat copy of CWCB for the coal mining Industries (Xerox).

Ex. M9 Photostat copy of IBCIs nomenclature (Xerox) (Xerox)

नई दिल्ली. 15 जून, 1993

का भा. 1495--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार न्यू केन्डा कोलियरी आफ मैसर्स ई. सी. लि. के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचद को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-6-93 को प्राप्त हुआ था।

[संख्या एल-22012/229/91-आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 15th June, 1993

S.O. 1495.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of New Kenda Colliery of M/s. E.C. Ltd. and their workmen, which was received by the Central Government on 11-6-1993.

[No. L-22012/229/91-IR (C-II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 11/92

PRESENT :

Shri N. K. Saha, Presiding Officer.

PARTIES :

Employers in relation to the Management of New Kenda Colliery of M/s. E.C. Ltd.

AND

Their workman.

APPEARANCES :

For the Employers—Sri P. Banerjee, Advocate.

For the Workman—None.

INDUSTRY : Coal

STATE : West Bengal

Dated, the 28th May, 1993

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/229/91-IR (C-II) dated 4-2-1992.

SCHFDULI

“Whether the action of the management of New Kenda Colliery, P.O. Kenda, Dist. Burdwan of M/s. E.C. Ltd., in dismissing Sri Koiri U/G Loader w.e.f.

13-2-90 is justified? If not, to what relief is the concerned workman is entitled to?"

2. This Reference was received on 10-2-92. After taking several adjournments the union filed written statement on 30-6-92 (order No. 11 dated 1-7-92). But the management did not file their written statement. So the case was fixed for ex parte hearing. But it appears from the record that the union is not taking any interest for hearing of the case. So it appears that the union is not interested to proceed with the case. As such I have no other alternative but to pass a no dispute award. Accordingly a no dispute award is passed in this case.

N. K. SAHA, Presiding Officer

नई दिल्ली, 15 जून, 1993

का.सा. 1496.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के प्रवृत्त में, केन्द्रीय सरकार वीतलपुर कोलियरी आफ मैनेजर्स लि. के प्रबन्धकों के संबंध नियोजकों और उनके कर्मचारों के बीच, शसबंग में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, 1947 के प्रावधानों के पक्षों को प्रस्तुत करती है, जो केन्द्रीय सरकार को 11-6-93 को प्राप्त हुआ था।

[संख्या एन-22012/170/92-आई.सी. (सी-1)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 15th June, 1993

S.O. 1496.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Seetalpur Colliery of M/s. E. C. Ltd. and their workmen, which was received by the Central Government on 11-6-1993.

[No. 22012/170/92-IR(CII)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL ASANSOL

Reference No. 40/92

PRESENT :

Shri N. K. Saha, Presiding Officer

PARTIES :

Employers in relation to the Management of
Seetalpur Colliery of M/s. E. C. Ltd

AND

Their Workmen

APPEARANCES :

For the Employers—Shri B. N. Lala, Advocate.

For the Workmen—Shri C. D. Dwevedi, Advocate.

INDUSTRY : Coal. STATE : West Bengal.

Dated, the 31st May, 1993

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/170/92-IR(C.II) dated the 1st October, 1992

SCHEDULE

"Whether the action of the management of Seetalpur Colliery in not regularising Shri R. S. Singh as Electrical Supervisor and Shri M. Jaswara as Electrician is justified? If not, to what relief are the concerned workmen entitled to?"

2. The case of the union in brief is that S/Sri R. S. Singh and M. Jaswara are permanent workmen of M/s. Eastern Coalfields Ltd. Both of them were appointed to work in the higher grade. According to the provisions of the Standing Orders the concerned workmen were supposed to be regularised in the post of higher grade after putting three months satisfactory continuous service. Both the workmen were appointed to work in the higher post for unlimited period and they put up continuous service for more than three months in the higher grade post. But they were not regularised in the post. So the workmen raised the dispute.

The attempts of conciliation failed. The matter was sent to the Ministry of Labour, Govt. of India and ultimately the dispute has been referred to this Tribunal for adjudication.

It is also submitted by the union in their written statement that Sri R. S. Singh was Foreman in Grade B. He was appointed as Electrical Supervisor in Grade A with effect from 14-9-88. He put up service in that grade of higher post for more than three months. But he was not regularised in the post though he was paid the difference of wages. So he is entitled to be regularised in Tech. & Supervisory Grade A with basic wages as per N.C.W.A.-IV with effect from 14-9-88.

Sri M. Jaswara was Switch Board Attendant in Category III with some qualification of Electrician. He was appointed to work as Shift Electrician from 27-1-89 and since his appointment he has been working continuously to the satisfaction of the management in the higher post in Category-IV. He has been paid the difference of wages, but he has not been regularised. So the union has prayed that Sri R. S. Singh be regularised in Tech. & Supervisory Grade A with effect from 14-9-88 and Sri M. Jaswara be regularised in Category IV as Electrician with effect from 27-1-89 with all benefits of the same grade.

3. The management has filed written objection contending inter-alia that the sponsoring union has no locus-standi to raise the dispute on behalf of the workmen as this union has no representative capacity. So the present case is not maintainable.

It is submitted by the management that Sri R. S. Singh had been working as Electrician in Cat. VI

on 5-8-89. He was promoted to the next higher grade as Foreman Electrical and was deputed to work at Dubeshwari Colliery under the same Area. Sri R. S. Singh was authorised to work as Addl. Electrical Supervisor w.e.f. 29-4-91 at Dubeshwari Colliery and he has been paid acting allowance for officiating in Tech. & Supervisory grade in terms of Wage Board Recommendations. According to the Cadre Scheme for electrical workers as agreed in J.B.C.C.I. a minimum three years experience is required for Tech. & Supervisory Grade B for promotion to Tech. & Supervisory Grade A and he has to come through D.P.C. subject to vacancy. So the claim of Sri R. S. Singh is not justified.

As regards Sri. M. Jaswara it has been submitted by the management that he had been working as Switch Board Attendant at Seetalpur Colliery. He was deputed to work as Electrician at Dubeshwari Colliery in a higher grade and was paid acting allowance in terms of Wage Board Recommendations. The minimum requisite qualification for Electrician in Category IV are laid down in the Cadre Scheme. But Sri Jaswara does not possess the requisite qualification. So he is not eligible for being regularised in the post of the higher grade.

In the written statement the management has challenged the locus-standi of the sponsoring union contending that it has no representative character. But during hearing of the case that point has not been canvassed before me.

Be that as it may, I find that the union has filed zerox copy of good number of documents. There is membership register and the membership counterfoils of the members. There are 14 items of documents filed by the union as per list dated 11/16-3-93 serving copy on the other side. So considering those documents and the facts and circumstances I find that the union has the representative character and it has the locus-standi to raise the dispute on behalf of the workmen.

4. There are two workmen in this case of different category. So let us consider their cases separately for the sake of convenience.

Admittedly Sri R. S. Singh was a permanent employee of Mis. Eastern Coalfields Limited in Grade B. He was appointed as Electrical Supervisor w.e.f. 14-9-88 (Ext. W-1) and the matter was notified to the Director-General of Mines Safety by letter Ext. W-1. This is a post in Category A. Sri B. N. Lala the learned Advocate for the management has urged before me that by letter Ex. W-1 he was appointed to work in the post of Electrical Supervisor in Grade A as a temporary measure in absence of Sri Sasdu Mukherjee. He had been paid the difference of wages so long he worked in the higher post. Thereafter Sri R. S. Singh has been reverted back to his original post in Grade B. w.e.f. 30-1-92 which will be evident from the L.P.C. dated 30-1-92 (Ext. M-2). Sri Lala has drawn the attention to the Circular Ext. M-1 wherein it has been laid down that when an employee temporarily works in the higher category he should be paid the difference of wages. This provision has been laid down in Clause 50 under the head officiating/acting allowance. He has further urged before me

that the present Reference as forwarded to this Tribunal by the Govt., by its letter dated 1-10-92. But the workman was reverted back to his original post on 30-1-92 (Ext. W-1). So the workman cannot get any relief in this case. He has urged before me that though Sri R. S. Singh has the requisite qualification for being posted as Electrical Supervisor in Grade A, he will have to come through the D.P.C. for such posting and his case cannot be regularised unless he comes through the D.P.C.

As regards Sri M. Jaswara it is admitted that he was a Switch Board Attendant in Category III with some qualification of Electrician. He was appointed to work as Shift Electrician w.e.f. 27-1-89 and since then he has been working on that post of Category IV and he has been paid the difference of wages. Sri Lala the learned Advocate for the management has urged before me that Sri M. Jaswara does not possess the requisite qualification for a post in Category IV. So he is not entitled to get any relief in this case. On this point it has been urged from the side of the union that some other workmen having not the requisite qualification have been regularised in the post of Category IV and the union has given the list of those workers in their rejoinder filed on 21-1-93 (dated 20-1-93). This fact has not been denied by the management. So we find that some other workmen having not the requisite qualification have been regularised in the post of Category IV.

So from the materials on record and the facts and circumstances we find that Sri R. S. Singh a worker of Grade B was posted to work in the post of Electrical Supervisor in Grade A with effect from 14-9-89 and he worked in that post upto 30-1-92 continuously to the satisfaction of the management. Similarly Sri M. Jaswara a worker of Category III was appointed to work in Category IV w.e.f. 27-1-89 and since then he has been continuously working in the said post of higher grade to the satisfaction of the management.

5. The learned Advocate for the management has urged before me that both of them were appointed as temporary workmen in the higher grade. So they are not entitled for being regularised in the post of higher grade. On this point Sri C. D. Dwevedi the learned Advocate for the union has drawn the attention to the definition of temporary workman, permanent workman and probationer in the Model Standing Orders for the industrial establishment which run as follows :—

"(b) A "permanent workman" is a workman who has been engaged on a permanent basis and includes any person who has satisfactorily completed a probationary period of three months in the same or another occupation in the industrial establishment, including breaks due to sickness, accident, leave, lock-out, strike (not being an illegal strike) or involuntary closure of the establishment.

(c) A "probationer" is a workman who is provisionally employed to fill a permanent vacancy in a post and has not completed

three months' service therein. If a permanent employee is employed as a probationer in a new post he may, at any time during the probationary period of three months, be reverted to his old permanent post.

- (e) A "temporary workman" is a workman who has been engaged for work which is of an essentially temporary nature likely to be finished within a limited period."

We find that there is no mention in the documents Exts. W-1 & W-2 that S/Shri R. S. Singh and M. Jaswara were appointed temporarily in the post of higher grade. Moreover from the period of work rendered by them it cannot be said that they were appointed temporarily. Considering the provisions as noted above I find that both of them are to be treated as permanent workmen in the higher category as they have put up for more than three months continuous service to the satisfaction of the management.

6. So considering all the facts and circumstances I find that the action of the management in not regularising Sri R. S. Singh as Electrical Supervisor and Sri M. Jaswara as Electrician is not justified.

Sri R. S. Singh shall be regularised in the post of Electrical Supervisor in Tech. Grade A with effect from 14-9-88 and Sri M. Jaswara shall be regularised in the post of Electrician in Category IV with effect from 27-1-89 with all benefits within three months from the date of publication of the award.

This is my award.

N. K. SAHA, Presiding Officer

नई दिल्ली, 15 जून, 1993

का.आ. 1497—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, किन्द्रीय सरकार फूड कारपोरेशन आफ इंडिया के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-6-93 को प्राप्त हुआ था।

[संख्या एल-22012/133/एफ/92-आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 15th June, 1993

S.O. 1497.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of FCI and their workmen, which was received by the Central Government on 11-6-1993.

[No. L-22012/133/F/92-IR (C-II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE SRI ARJAN DEV, PRESIDING OFFICER,
CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 41 of 1993

In the matter of dispute :

BETWEEN

State President
F.C.I. Employees Congress
5/6 Habibullah Estate
Lucknow.

AND

Senior Regional Manager
Food Corporation of India
5/6 Habibullah Estate
Lucknow.

AWARD

1. The Central Government, Ministry of Labour, vide its Notification No. L-22012/133/F-92/I.R. (C-II) dated 14-1-93 has referred the following dispute for adjudication to this Tribunal :—

Whether the action of Senior Regional Manager Food Corporation of India, Lucknow, in imposing the penalty of withholding two increments for 3 years w.e.f. 1-1-89 and also treating period of absence from 16-8-86 to 30-8-86 and 3-9-86 to 15-1-87 as unauthorised absence without pay and also break in service is justified? If not, to what relief the workman is entitled to?

2. In this case 23-2-93 and 23-4-93 were the dates fixed for filing of the statement of claim on behalf of the Union, but no claim statements was filed. It, therefore, appears that the Union is no longer interested in the case.

3. Therefore, from the facts and circumstances stated above it is abundantly clear that the Union is not interested in prosecuting the case. As such a no claim award is given against the Union/workman. Reference is answered accordingly.

Dated : 7-5-1993

ARJAN DEV, Presiding Officer

नई दिल्ली, 15 जून, 1993

का. आ. 1498—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस सी सी एल. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-6-93 को प्राप्त हुआ था।

[संख्या एल-21012/40/87-डी-III (बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 15th June, 1993

S.O. 1498.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C. Ltd., and their workmen, which was received by the Central Government on 11-6-1993.

[No. L-21012/40/87-D.III (B)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT
HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal,
Twenty Eight Day of May Nineteen Hundred Ninety
Three

Industrial Dispute No 40 of 1987

BETWEEN

The Workman of Coal Chemical Complex S.C. Co.
Ltd., Mancheril, Dist. Adilabad —Petitioner
AND

The Management of Coal Chemical Complex, M/s. S.C.
Co. Ltd., Mancheril, Dist. Adilabad —Respondent

APPEARANCES :

Sri D. S. R. Varma, Advocate—for the Petitioner.

Sri K. Srinivasa Murthy and Miss G. Sudha, Advocates—
for the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-21012/40/87-D.III (B), dated 24-8-1987 referred the following dispute under Section 10(1)(d) and (2-A) of the Industrial Disputes Act, 1947 between the employers in relation to the management of Coal Chemical Complex, M/s. Singareni Collieries Company Limited, P.O. Coal Chemicals Complex (Via) Mancheril, Dist. Adilabad (A.P.) and their workmen to this Tribunal for adjudication.

“Whether the management of Coal Chemicals Complex of M/s. Singareni Collieries Co. Ltd., D.P. Coal Chemicals Complex (Via), Mancheril, Dist. Adilabad (A.P.) are justified in not taking into account the temporary service between 21-4-1979 to 9-5-1980 put in by Smt. Deevana, Compounder, C.C.C. Dispensary for purpose of incremental and promotional benefits ? If not, to what relief Smt. P. Deevana is entitled ?”

This reference was registered as industrial dispute No. 40 of 1987 and notices were served to both parties.

2. The brief averments of the claim statement filed by the Petitioner-workman read as follows :

The workman herein was original appointed by office order dated 5-4-1979 on temporary basis as Compounder for a period of three months. It was specifically mentioned therein that the appointment was purely temporary and the services stand terminated at the end of three months. It is submitted that the workman has been continuing in service without any termination till she was appointed as Compounder vide office order dated 10-5-80. The workman was appointed on temporary basis but continued without termination indicates that the vacancy was a permanent vacancy. That the workman's appointment dated 5-4-1979 as well as the appointment on 10-5-1980 was as Compounder only, which shows that the nature of the job has not been changed, owing to the fact that the character of the employment is not “Temporary” as contemplated under the Standing Orders of the Company. That she had also availed all leave facilities, like casual leave, maternity leave etc., having been treated only as permanent employee. Further submitted that the concerned workman was appointed as Compounder on 10-5-80 only as departmental candidate but not on the basis of any spouses by Employment Exchange which shows that the workman was considered to be continuous employment in a permanent vacancy. In view of the facts that the workman's services were never terminated between 5-4-79 to 10-5-80 without any change in the designation and place of appointment. That Coal Mines Provident Fund was also collected from the workman from the date of her completing three month's service, after she was originally appointed on 5-4-1979 which clearly indicated that the workman was treated as regular employee from the date of her original appointment

till 1980. Therefore, the Hon'ble Tribunal may be pleased to declare that the Management is not justified in not taking into account the service between 5-4-1979 to 9-5-1980 put in by the workman as Compounder under the Management for the purpose of incremental and promotional benefits, and to declare that the workman is entitled for all attendant benefits from the date of her original appointment i.e. 5-4-1979.

3. The brief averments of the counter filed by the Respondent-Management read as follows :

It is submitted that the workman in dispute Smt. P. Deevana was initially appointed as temporary compounder at the Singareni Collieries Hospital in view of exigencies. The workman was not sponsored by the Employment Exchange in the year 1979. Her appointment was temporary in nature and initially the Respondent gave her appointment on 5-4-1979 and she was continued upon 9th May 1980 as temporary employee. The Respondent is a public sector undertaking and as such it has to comply all the statutory obligations including to notify the vacancies to the Employment Exchange. The Management has notified to the Employment Exchange with regard to the vacancies of Compounders and also gave wide publicity in the newspapers, and candidates have come. Along with the sponsored candidates, even this Petitioner applied for the permanent post. She was also interviewed along with the sponsored candidates, and as the Management found her successful, she was given an office Order on 9-5-1980 appointing her as Compounder permanently. Only from 10-5-1980 Smt. Deevana is entitled for the benefits like any other permanent employee. It may be noted that from 5-4-1979 to 9-5-1980 the workmen acted temporarily. She cannot be treated as a departmental candidate or her initial appointment cannot be put on par with the departmental candidates, the reason being that the departmental candidates, initially recruited in permanent vacancies comply all recruitment rules and for a temporary employee, all the recruitment rules are not made applicable like qualifications, medical fitness etc. This petitioner is not entitled to claim any increments calculating as if she was given the permanent post on 5-4-1979. This Petitioner, to earn one increment, has to serve the Company from 10-5-1980 to 9-5-1981. The rule of probation is not there for a temporary vacancy. Further at no point of time, the Management agreed with any of the Unions to make all the temporary workmen as permanent. It may be noticed that in a particular vacancy, when an employee works, whether it is temporary or permanent, the nature of duties discharged will be the same. Whether it is a casual compounder or temporary compounder or permanent compounder, the workman has to discharge the duties of compounder only as on that date. For any workman who has put in more than 90 days of service, the Management has to make the contributions for the Provident Fund and deduct the Provident Fund. It is respectfully submitted that the workmen in dispute is not entitled for the relief prayed i.e. declaring that her services should be treated as permanent between the period from 5-4-1979 to 9-5-1980 for the purpose of incremental and promotional benefits.

4. WW-1 is examined for the Workmen and marked Exs. W-1 to W-3. Whereas the Management examined one witness i.e. MW-1 and marked Exs. M-1 to M-4.

5. The point for consideration is whether there are valid grounds to treat the temporary period of the workman from 21-4-1979 to 9-5-1980 as the permanent period for the purpose of employment benefits or not ?

6. WW-1's evidence goes to show that she is a workman in question who raised this dispute and she worked as a Compounder from 5-4-1979 under Ex. W-1 which is the order of payment and she further gave evidence that she was appointed temporary for a period of three months. As per Ex. W-1 the appointment is purely temporary and my services stand terminated at the end of three months or even earlier without assigning reason whatsoever. She was given all the facilities of a permanent employees. After the expiry of three

months, she was not terminated from service. She was working in the Company service without any break in service in the year 1980. She asked for the permanent post in the Respondent Company. She possessed the requisite qualification for the post of Compounder. She deposes that as per Ex. W-2 is the order dated 10-5-1980 appointing her as Compounder. As per the Clause 2(f)(IV) of the Standing Order under Ex. W-3, she cannot be treated as temporary employee. Her services from 5-4-1979 has to be taken into consideration for the grant of increments, promotion and other benefit.

7. MW-1 the Personnel Manager of the Respondent Company gave evidence that he is aware of the facts of the case of the Petitioner for recruitment. The Respondent Management issued publication in Daily newspaper and calling for application and also addressing the Employment Exchange for sponsoring all the candidates. The Management cannot give up such procedure and adopt any other procedure for recruitment as per its discretion. For recruitment of temporary employees, the above said procedure will not be followed. The Petitioner was appointed in the year 1979 as Compounder on temporary basis under the appointment order covered under Ex. W-1 and the appointment was purely on temporary basis. Subsequently the applications were called for permanent appointment. Along with others, the workman in question was also interviewed and she was selected for the post of Compounder on regular basis as per the Selection Committee order dated 27-4-1980 and the Order is Ex. M-3. He further gave evidence that as per Ex. W-3 the workman was appointed as Compounder on permanent basis.

8. The workman raised this dispute and she was examined as WW-1 and she briefed the contents of the claim statement. To rebut the contents of the claim statement, MW-1 who is no other than the Personnel Manager of the Management during the period in question was examined and he rebutted the evidence of WW-1 the workman herein. In support of the oral evidence of WW-1 and MW-1 the workman filed Exs. W-1 to W-3 and the Management filed Ex. M-1 to M-4. As seen among the documents filed on behalf of both sides, Ex. W-1 which is the temporary appointment order which was marked through the evidence of Workman herself who is examined as WW-1 is the permanent and important document. Ex. W-2 is the permanent appointment order for which there is no dispute. The contention of the workman is that she worked for some time and she worked prior to her regular appointment on temporary basis in the same Company. Her contention is that she was appointed though temporarily but in a regular vacancy her husband is also working in the Company and the Coal Mines Provident Fund contributions was collected from her salary. There is no dispute with regard to the fact that as per Ex. W-1 the workman was appointed on temporary basis and as per Ex. W-2 the workman was appointed on permanent basis. The only dispute arose with regard to the period to her permanent appointment should be treated on par with the period from her regular appointment for all the benefits that are accrued or entitled for a permanent employee. Now I would like to examine the contents of Ex. W-1. Ex. W-1 clearly says in the very first sentence of its order stating that "you are hereby temporarily appointed as Compounder" Para 2 of the order says "Your appointment is purely temporary and the service can be terminated at the end of three months or even earlier without assigning any reason whatsoever. Your continuance should depend upon earning satisfactory report about your works". As seen from Ex. W-2 she was permanently appointed. As per the evidence of MW-1, as per the Standing Orders of the Company which were mentioned in the counter filed by the Respondent to the effect that there is certain procedure laid down for recruitment of the employees by the Respondent Company wide publicity should be given in the Press calling for applications from the candidates eligible for their appointment and also requesting the Employment Exchange Officer to sponsor certain candidates to appear before the Selection Committee for selecting the candidates for the post in question. That has not been challenged by the workman and it is an admitted fact that prior to her regular appointment she was not recruited by the Selection Committee of the Management and her name was not sponsored by the Employment Exchange. Therefore it is absolutely clear that no rights are accrued to get the benefits of permanent workman during the course of her tenure of office as Compounder on temporary basis. Simply because she was continued beyond three months and in continuation of her service she was appointed on regular basis does not mean that she is entitled to get the benefits right from her

date of temporary appointment. With regard to the contention of the Management that the workman was originally appointed on temporary basis and she was not recruited by the Selection Committee and her name was not sponsored by the Employment Exchange is an admitted fact by the workman herself. Moreover for recruiting the permanent workman there is a procedure laid down as per the Standing Orders of the Company to the effect that wide publicity should be there in the Press calling for applications for recruitment for the post of Compounder and secondly the Employment Exchange should sponsor certain candidates and thereafter the Selection Committee should sit and interview the candidates on the basis of the candidates performance in the interview on merits the selection was made and in view of the above facts the workman herself admits that she was not sponsored by the Employment Exchange nor she was selected by the Selection Committee of the Respondent Management. With regard to the contention of the Workman that she was contributory for the Coal Mines Provident Fund. The Respondent rightly contended that as per the Standing Orders of the Company, they have to contribute the Coal Mines Provident Fund even for a temporary workman. Therefore simply because the workman was contributory for the Coal Mines Provident Fund, no right is accrued to treat her service which is purely temporary as permanent one.

9. In the result, the Management of Coal Chemicals Complex of M/s. Singareni Collieries Company Limited, P.O. Coal Chemicals Complex (Via) Maniherial District Adilabad (A.P.) are justified in not taking into account the temporary service between 21-4-1979 to 9-5-1980 put in by Smt. P. Deevana, Compounder, C.C.C. Dispensary for purpose of incremental and promotional benefits. Smt. P. Deevana is not entitled to any relief.

Award passed accordingly.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 28th day of May, 1993.

V. VENKATACHALAM, Industrial Tribunal
Appendix of Evidence

Witnesses Examined

for Petitioner-Workman :

WW-1 Smt. P. Deevana

Witnesses Examined

for Respondent-Management :

MW-1 D. Satyanarayana.

Documents marked for the Petitioner-Workmen :

Ex. W-1/5-4-79—Photostat copy of the temporary appointment letter dated 5-4-1979 issued to Mrs. P. Deevana by the General Manager, S. C. Co. Ltd., Kothagudem Collieries.

Ex. W-2/10-5-80—Photostat copy of the appointment order dated 10-5-1980 issued to P. Deevana by the General Manager, S. C. Co. Ltd., Kothagudem Collieries.

Ex. W-3—Copy of the Standing Orders of S.C. Co. Ltd., Documents marked for the Management :

Ex. M-1/5-2-80—Photostat copy of the application dated 5-2-80 for the post of Pharmacist applied by P. Deevana to the General Manager, S.C. Co. Ltd., Kothagudem.

Ex. M-2/20-3-79—Photostat copy of the minutes of Selection Committee dated 20-3-79 with regard to appointment of the Petitioner on temporary basis.

Ex. M-3/27-4-90—Photostat copy of the minutes of the Selection Committee dated 27-4-90 with regard to the Petitioner selected for the post of "Compounder" on permanent basis.

Ex. M-4/10-5-80—Copy of the appointment order dated 10-5-80 issued to P. Deevana by the General Manager, S. C. Co. Ltd., Kothagudem Collieries.

नई दिल्ली, 15 जून, 1993

का.आ. 1499: औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार (न. सी. एल. के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट का प्रकाशित करती है, जो केन्द्रीय सरकार को 11-6-93 को प्राप्त हुआ था।

[संख्या एल-21011/22/87-ड-III(बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 15th June, 1993

S.O. 1499.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S. C. C. Ltd., and their workmen, which was received by the Central Government on 11-6-93.

[No. L-21011/22/87 D-III(B)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M. A., B. L., Industrial Tribunal.

TWENTY FIFTH DAY OF MAY NINETEEN HUNDRED NINETY THREE

INDUSTRIAL DISPUTE NO. 58 OF 1988

BETWEEN :

The Workmen of Singareni Collieries Company Limited, Bellampalli, Adilabad. District—Petitioner.

AND

The Management of Singareni Collieries Company Limited, Bellampalli, Adilabad—Respondent.

APPEARANCES :

Sri B. Ganga Ram, Chief Vice President, Singareni Collieries Workers Union for the Petitioner Workmen.

M/s. K. Srinivasa Murthy & G. Sudha, Mitra Das. Advocates for the Respondent—Management.

AWARD

The Government of India, Ministry of Labour by its Order No. L-21011/22/87-D. III(B), dt. 7-6-1988 referred the following dispute under Section 10(1)(d) & (2A) of the Industrial Disputes Act, 1947 between the employer in relation to the Management of M/s. Singareni Collieries Company Limited and their workmen to this Tribunal for adjudication :

"Whether the demand made by the Singareni Collieries Workers' Union, Bellampalli, over payment of arrears of incentive bonus to Floating Badlies recruited during 1985 and 1986 in Goleti No. 1, Goleti No. 2, Mahavir Khani No. 1, Mahavir Khani No. 5, Mahavir Khani No. 6 etc. belonging to M/s. Singareni Collieries Co. Ltd., is fair and justifiable. If so, what should be the date from which the incentive scheme should be extended to the said category of workers ?"

This reference was registered as Industrial Dispute No. 58 of 1988. Notices were served on both the parties.

2. The brief averments of the claim statement filed by the Petitioner-Workman read as follows : The case of the Work-

men is that there is one Memorandum of Settlement dated 28-9-1978 signed under Section 12(3) of the I. D. Act, 1947 and as per this settlement in item No. 4 it is stated as follows :

4. Incentives :-

(A) Incentive bonus will be extended to workers continuing on temporary basis also, though they are not absorbed on permanent basis, whenever incentive scheme is in operation" (emphasis ours).

The above clause is very clear as broad daylight that if the incentive scheme is in vogue in any coal mine, and if the workers who are working on temporary basis and who fulfil the norms fixed for getting the incentive bonus, he becomes eligible for getting incentive bonus. Such of those workers on temporary basis badlies or so called floating badlies all are eligible and they should be paid incentive bonus. The condition is that if a worker fills 20 tubs of coal in a month, he should be paid Rs. 8.00 as incentive bonus. In the initial stages, the Management argued wrongfully that floating badlies are not eligible for incentive bonus but after raising of dispute in conciliation that floating badlies also will be paid incentive bonus from 1-8-1986. The floating badlies appointed from 1-8-1986 are paid arrears of incentive bonus also. How and why this date line is fixed, nobody knows. This is quite wrongful and unjustified. The management is denying to pay incentive bonus to such of those floating badlies who are appointed from 1-1-1985 to 31-7-1986. The appointment of floating badlies was started from 1st January, 1985 only and prior to that only badlies were appointed. The floating badlies are also appointed to cover the heavy absenteeism during 2 weeks i.e. after payment of wages i.e. between 9th to 23rd of every month. Other badlies are appointed to cover absenteeism throughout the month but actually the floating badlies are also being provided job throughout the month due to heavy absenteeism in the coal industry. The Singareni Collieries Company Limited, has violated the Item 4 of the memorandum of settlement dated 28-9-1978. In this way the management is refusing to pay incentive bonus to some thousands of eligible floating badli workers appointed during the period from 1-1-1985 to 31-7-1986. The Unions contention is that the date of appointment is not important since there is no cut off date. The incentive bonus was agreed some 10 years back and all temporary workers who are fulfilling the fixed norms, are getting incentive bonus since 10 years. Hence the stand of the management is wrongful and contrary to the Memo of settlement dated 28-9-1978. Therefore, the Union is justified in demanding payment of arrears of incentive bonus to all eligible floating badlies appointed during 1-1-1985 to 31-7-1986. The prayer to pass award for the payment of arrears of incentive bonus to all eligible floating badlies of Goleti No. 1, Goleti No. 2, MVK-1, MVK-5 Incline, MVK-6 Incline etc. Who are appointed during the period from 1-1-1985 to 31-7-1986.

3. The brief averments of the counter filed by the Respondent-Management read as follows : It is submitted that the Management and the Union had various discussions particularly for long period and then evolved a scheme for granting incentives if particular target is achieved. This was done in 1978 and since then the scheme had been in force. By virtue of the Scheme if production is achieved over and above what is specified, then they get incentive for the additional production. It has been initially given to permanent employees and then badlis. That absenteeism is very high, some times going upto 60% also the badlies work throughout the year in the permanent vacancies due to very heavy absenteeism in the mines and as such, as badlis have put in more number of days of work and they practically worked throughout the month, incentives are also made applicable to them. There is another category of badlies which is known as floating badlis. They work only for two weeks in a month i.e. immediately after payment. There is heavy absenteeism from 8th of the month i.e. following pay day till about 20th or 25th. During that period a new category i.e. floating badlis are taken to fill up extra heavy absenteeism and they are appointed only during 2nd and night shifts where absenteeism is very heavy and their employment is not like other badlis as other badlis work throughout the month whereas these persons work immediately after pay day due to very high absenteeism for obvious reasons. As

their appointment is more in the nature of casual so also their work and their contribution for production being minimum they are not included in the scheme or in other words incentives bonus scheme is not made applicable to them. With all its best efforts, the Respondent Management could not reach even its minimum targets of production. To cover up the absenteeism and to meet the targets of production, the Respondent Management took work from floating badlis. During the same period, after making work study, the Respondent management felt the need for introducing incentive scheme to motivate the employees for improving the productivity by improving their performance. It may be noticed that the Industrial Engineering Department of the Respondent Company by studying the various jobs from time to time, introduces the incentive schemes to which ever cadre, it is found necessary. Thus for Floating badlis in August, 1986, incentive scheme was introduced. Incentive scheme are mainly meant for motivating the persons for improvement of productivity. It is not possible to motivate a person with retrospective effect. So, introduction of incentive schemes with retrospective effect does not arise and it completely defeats the spirit and aim of introduction of incentive schemes. As such, the question of sanctioning the incentive schemes with retrospective effect does not arise. The Union has been making repeated demands for their inclusion. Though the Management felt not to grant incentive bonus scheme to them, taking a sympathetic view the management has applied the said scheme with effect from 1-8-1986. Now a reference has been made regarding payment of arrears of incentive bonus scheme to floating badlis during 1985-86. It is submitted that there is no question of arrears. Arrears pre-suppose the existence of the scheme. When the scheme is not in force and it came into force only 1-8-1986 there is no question of arrears of incentive bonus. This is virtually treating it as if scheme was made applicable to them and management has not paid amounts what was due under the Scheme. From the wording of the reference it may be noticed that what has been referred is payment of arrears of incentive Bonus. The question of payment of arrears does not arise. When the payment of arrears does not arise so the second question from which date the incentive scheme should be extended need not be answered. The second part of the question can be decided only if it is found that they are entitled for arrears. That pre-supposes the applicability of the scheme to them. It is an admitted fact that the scheme is not applicable to them and it was only after representations were made on behalf of the Union during the discussions management had decided to extend the scheme from 1-8-1986. So when the scheme has come into force on 1-8-1986 as per the circular issued by the Management the question of payment of arrears does not arise. It is nobody's case that the scheme was applicable to them also. It is submitted the reference as made may be rejected.

4. W.W.1 was examined for the Petitioner and marked Exs. W1 to W6 for the Petitioner. Whereas M.W.1 and M.W.2 were examined for the Respondent and marked Exs. M1 to M4 on its side.

5. The point for adjudication is whether the demand made by the Singareni Collieries Workers' Union, Bellampalli, over payment of arrears of incentive bonus to Floating Badlis recruited during 1985 and 1986 in Golet No. 1, No. 2, Mahavir Khani No. 1, No.5, No. 6 etc. belonging to M/s. Singareni Collieries Company Limited is fair and justifiable?

6. The case of the Petitioner-workmen is that there is one Memorandum of Settlement dt. 28-9-1978 signed under Section 12(3) of the Industrial Disputes Act, 1947 and the Respondent-Management has not implemented it properly. The contention of the Petitioner workman is that as per the Settlement in Item No. 4 it is stated as follows :—

"4. Incentives :—

- (a) Incentive bonus will be extended to workers continuing on temporary basis also, though they are not absorbed on permanent basis, whenever incentive scheme is in operation."

There are two points in it that if the incentive scheme is in vogue in any coal mines and if the worker who is working on temporary basis also and who fulfils the norms fixed

for getting the incentive bonus, he become eligible for getting incentive bonus. Such of those workers, on temporary basis are the badli coal fillers or floating badli coal fillers, all are eligible for incentive bonus and they should be paid incentive bonus.

7. The argument of the Respondent-Management is that a Settlement was entered into on 28-9-1978 under Section 12(3) of the I. D. Act covering various items of demands made by the Workers/Unions. Item 4 of the Settlement relates to Incentive. By virtue of the demand it was extended to workers continuing on temporary basis. In para 3.3.5 of the Settlement Management agreed that incentive bonus will be paid the floating badlis if they qualify as per the norms of the scheme. This is for the first time the applicability of the incentive scheme to the floating badlis was agreed upon. It may be pointed out that floating badlis are not entitled for the incentives as per the Settlement Ex. W2. Those workers who are working continuously, though on temporary basis, even though they are not appointed on permanent basis they will be entitled for incentive. The Settlement under Section 12(3) is binding not only on the workmen who were in the establishment as on the date of settlement, but also on the future scheme. That by virtue of Memo of Understanding reached between the management and the workmen at the Joint Consultative Meeting held on 11th August, 1986 Management as a concession had extended the benefit to floating badlis, i.e. with effect from the date of the minutes, and the right itself flowed out of the concession given by the Management during the meeting of Joint Consultative Committee. It is not open to any one to make a demand that it should be extended even for the period prior to that.

8. At the very outset, I would like to mention that the Management refused to pay incentive bonus to the floating badlis appointed prior to 1-8-1986 the date of Memo of Settlement. The contention of the Petitioner-workmen that there is no prohibition of bar for paying incentive bonus to the workers appointed prior to 1-8-1986, and that the appointment of floating badli coal fillers was started from 1st January 1985 only and prior to that only badli coal fillers were appointed. Of course there is no dispute that the Floating badlis are appointed to cover the heavy absenteeism during two weeks i.e. after payment of wages i.e. between 9th to 23rd of every month.

9. In the evidence of M.W1 in cross-examination, he deposed that the payment of incentive bonus is in existence since 1978. Certain categories of workmen are eligible for incentive bonus and the incentive bonus will be paid to them on their fulfilling the fixed norms. The coal fillers and badli fillers are being paid the incentive bonus from 1978 and the floating badli fillers are being paid the incentive bonus from August, 1986. He further deposed that as per clause 4 of the Agreement in Ex. W2 the incentive bonus will be extended to workers continuing on temporary basis also, though they are not absorbed on permanent basis. As per para 3.3.5 of Ex. M1 Chairman and Managing Director agreed that the incentive bonus should be paid to the floating badlis if they qualify as per the norms of the scheme. In the above extracted para of Ex. M1 there is no cut of date stipulated for payment of incentive bonus to the floating badli fillers. The payment of incentive bonus is not connected in any way with absenteeism of the workmen. Even as per the evidence of W.W1 he has stated that there are three varieties of bonus payments in vogue in the Respondent-Company. They are 1. Quarterly Bonus, 2. Profit Sharing Bonus and 3. Incentive Bonus. W.W1 further stated that every worker either permanent or temporary is eligible to get all the three kinds of bonuses, if he fulfils the fixed norms of each kind of bonus. In view of the above facts and circumstances, I find that there is no prohibition for the Respondent-Management for paying incentive bonus to the workers appointed prior to 1-8-1986 and that there was no cut of date stipulated for payment of incentive bonus to the floating badli fillers and that the payment of incentive bonus is not connected in any way with absenteeism of workers during the two weeks period of every month.

10. The next contention of the Respondent-Management is that the Company was incurring heavy losses and balance sheets have been filed as Exs. M3 and M4 showing accumulated loss of crores of rupees, and in view of heavy absenteeism from 40 per cent to 50 per cent to maintain minimum production target the Management was constrained to ap-

point floating badlis to work. The evidence of M.W1 in cross-examination he deposed that incentive bonus should be paid to the workers, irrespective of profit or loss accrued to the Respondent-Company. So I find no force in the contention of the Management regarding the profit and loss accrued to the Respondent-Management for payment of arrears of Incentive Bonus.

11. In the result, the demand made by the Singareni Collieries Workers Union, Bellampalli, over payment of arrears of incentive bonus to Floating Badlies recruited during 1985 and 1986 in Goleti No. 1, Goleti No. 2, Mahavir Khani No. 1, Mahavir Khani No. 5, Mahavir Khani No. 6 etc. belonging to M/s. Singareni Collieries Company Limited is fair and justifiable. The Floating Badlies are entitled for payment of arrears of Incentive Bonus from 1-1-1985 instead of 1-8-1986.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 25th day of May, 1993.

Y. VENKATACHALAM, Industrial Tribunal

Appendix of Evidence

Witnesses Examined
for the Petitioner :
W.W1 B. Shiva Prasad Raju
Witnesses Examined for
Respondent-Management :
M.W1 P. Satya Vinod Babu
M.W2 C. Gopala Rao

Documents marked for the Petitioner-Workmen :

- Ex. W1.—True copy of the details of new incentive scheme to coal fillers.
- Ex. F2 28-9-78.—True copy of the Memorandum of Settlement arrived at under Section 12(3) of the I. D. Act, 1947 on 28-9-78 at Kothagudem in the industrial dispute between the Management of Singareni Collieries Company Limited, and their workmen represented by (1) Singareni Collieries Workers' Union and (2) Tandur Coal Mines Labour Union over a charter of demands.
- Ex. W3|19-4-86.—Copy of the Strike notice dt. 19-4-86 issued by S. C. Workers Union to the General Manager, S.C. Co. Ltd., Bellampalli. The General Manager (Project) S.C. Co. Ltd., Bellampalli and the General Manager the S.C. Co. Ltd., M.M. & SMG Group of Mines, P.O. Kalyan Khani.
- Ex. W4 14-10-86.—Copy of the Minutes of conciliation discussion held on 14-10-86 before the ALC(C) Hyderabad Camp, Bellampalli between the Management of S.C. Co. Ltd., in respect of G.M., BP. A(P) and G.M., MM&SMG Mines and S.C. Workers Union, Bellampalli over 12 points/charter of demands.
- Ex. W5 19-4-86.—Copy of the Minutes of the conciliation proceedings held on 22-5-1987 in respect of charter of demands contained in strike notice dt. 19-4-86 (Ex. W3) of S.C. Workers Union.
- Ex. W6 9-7-87.—Copy of the failure of conciliation report dt. 9-7-87.

Documents marked for the Respondent-Management :

- Ex. M1 1-10-86.—Minutes of the Joint Consultative Committee meeting held on 11th August, 1986 in the chamber of Chairman & Managing Director at Kothagudem.
- Ex. M2 21-5-79.—Letter addressed by the General Manager to the Addl. G.M., Bellampalli with regard to extension of wage Incentive Plan for Fillers of M.V.K. No. 5 Incline of Bellampalli Division-II.
- Ex. M3 17-8-91.—Copy of the extract of the profit and loss account for the years ended 31st March, 1991.
- Ex. M4 31-7-86.—Copy of the extract of the profit and loss account for the year ended 31st March, 1986.

नई दिल्ली, 14 जून 1993

का.धा. 1500.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीकाम्यूनिकेशन के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लेबर कोर्ट चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-6-93 को प्राप्त हुआ था।

[संख्या एल-40012/17/89-डी-II (बी)]

बी.एम. डेविड डेस्क अधिकारी

New Delhi, the 14th June, 1993

S.O. 1500.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Cum-Labour-Court Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecommunication and their workmen, which was received by the Central Government on 11-6-1993.

[No. 40012/17/89-D.II(B)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM-
LABOUR COURT, CHANDIGARH

Case No. I. D. 205|89

Ram Kishore Vs. Telecommunication.

For the workman—Shri N. P. Mittal

For the management—Shri Arun Walia

AWARD

Central Govt. vide gazette notification No. L-40012/17/89-D.2(B) dated 11th December 1989 issued U/s. 10(1) (d) of the I. D. Act 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the telecommunication district Engineer, Rohtak in terminating the services of Shri Ram Kishore son of Ram Pal casual worker w.e.f. March 1989 is justified, fair and legal ? If not to what relief the worker concerned is entitled to ?"

1. It has been alleged in the statement of claim that he was inducted as daily rate casual mazdoor in the resptd. department w.e.f. 15-9-1985 through employment exchange, and was allowed to work till 31-3-1988. Thus he had worked for 813 days till that date. It is further pleaded that from 15-9-1985 to 31-3-1988 he performed his duties smoothly, intelligently. It is further alleged that his services were terminated w.e.f. 1-4-1988 orally which is illegal, arbitrary and without serving any show cause notice. It is further pleaded that his services were terminated in utter violation of Section 25-1 of the I. D. Act as he had completed 240 days. It is further pleaded that after the termination of the workman inducting junior persons as daily rated casual mazdoor by ignoring the claim of the workman is again illegal and bad in law. Petitioner raised the demand notice. The management did not agree for amicable settlement, therefore, the Ministry referred the case for adjudication. It is further pleaded that his termination is in utter violation of the law laid down by the Supreme Court. It is further pleaded that on completion of 240 days he would be entitled to the provisions of Chapter V(A) of the Industrial Disputes Act 1947 and his services can not be dispensed with without following the procedure of Chapter V(A). He also relied the case of Piara Singh and claim regularisation. It is also pleaded that his termination is bad in the eye of law and prayed for reinstatement with all consequential benefits, all arrears of pay and other attendant benefit.

2. The management in the'r written statement has taken the stand that expansion work for which the petitioner was engaged was completed and after that all the development work was carried out through contractor and the service of the petitioner was no more required. It is further pleaded that no junior of the applicant was engaged. The management has admitted that the petitioner had worked for 813 days till March 1988.

3. Replication was also filed reasserting the claim made in the claim statement.

4. The petitioner in support of his case produced himself as WW1. He filed his affidavit Ex. W1 and additional affidavit Ex. W1/A. In additional affidavit the plea has been taken that juniors are still working and one Sukhbir Singh who was removed from service in 1982 was reinducted by SDOT in 1988. The management produced Shri Mahak Singh as MW1. He filed his affidavit Ex.M1. The workmen got proved the documents Ex. W2/A, W2/B and W3. The management in additional evidence tendered documents Ex. M2 showing number of days put in by the workman and closed their case.

5. I have heard both the parties, gone through the evidence and record.

6. Counsel appearing on behalf of the workman has argued that during the period of 12 calendar months preceding date of retrenchment i.e. 31-3-1988 he has completed 240 days and the management has not complied with the provisions of Section 25-F of the I. D. Act before terminating his services I find force in this contention. The management has admitted in their pleadings the date of termination 31-3-88. However chart showing number of days put in by the petitioner in Ex. M2 only upto September 1987. The petitioner has also annexed chart of the number of days put in along-with the statement of claim (not exhibited) onward from October 1987 to March 1988 showing number of days put in by the petitioner. In the months of October 1987, 29 days, November 30 days, December 31 days, January 1988, 31 days, February 1988, 29 days and March 1988 for 18 days. The said detail has been given alongwith muster roll No. and W.O. number. Thus period of 12 calendar months preceding March 1988 the petitioner has shown to have worked for more than 240 days. Stereotype statement made by MW1 Mahak Singh that he had worked for 229 days in which holidays are not included can not be accepted being contrary to the documentary evidence. Admittedly the management has not complied with the provisions of Section 25-F of the I. D. Act before terminating the services of the petitioner. Thus there is clear violation of Section 25-F of the I. D. Act 1947.

The petitioner has failed to prove the violation of Sections 25-G and H of the I. D. Act 1947. In relation to violation of Section 25-H he has pleaded that one Sukhbir Singh inducted in 1988 and is still working. The petitioner himself in his additional affidavit Ex. W1/A has stated that Sukhbir Singh was removed in 1982, if that is so then Sukhbir Singh certainly has prior preference than the petitioner as he had already with the respdt. management since 1932 although the petitioner was appointed in 1985. The petitioner has also referred the statement of Mahak Singh MW1 who has admitted that subsequently the workers have been employed through contractor for the work undertaken by the telecommunication department for the purpose of maintainance. Counsel for the petitioner had pointed out that the management has violated the provisions of section 25-H of the I. D. Act. There is no force in this contention. Subsequent employment of the workers through contractor does not attract the violation of Section 25-H as there is no dispute that provisions of Contract Labour Act is applicable to the organisations like respdt. If the respdt. intends to employ contractor, any violation of the Contract Labour Act at the hands of the respdt. management is punishable under the said Act, but the same does not violate any provisions of I. D. Act. The ratio laid down in A.I. 1992 Supreme Court page 457 Dina Nath Vs. Nation 1 Fertilizers is followed.

9. In relation to the violation of Section 25-G of the I. D. Act the reference has been made to Ext. W2/A and Ex. W2/B. There are two annexures in the communication Ex. W2

dated 30-12-1986 written by RDO Telecommunication Sonepat to Employment Officer Sonepat. The said annexures are no help to the petitioner because no date of employment has been shown of each workmen. The petitioner claims Narinder Pandey Anil Kumar, Sita Ram, Suraj Bhan, Swami Nath, Dharam Vir and Sukhbir Junior to him have to be retained. However in the affidavit of the management's witness Mahak Singh, their date of engagements are prior to 15-9-1985 on the date the petitioner was engaged. Therefore they are senior to the petitioner. The petitioner has not contravened this stand in the cross-examination of the management's witness. Therefore, the petitioner has failed to establish the violation of Section 25-G of the I. D. Act, 1947.

10. However for the violation of Section 25-F the petitioner certainly deserve reinstatement. There is no evidence that the petitioner was gainfully employed from the date of termination except he is ploughing his own fields. Therefore, the management is directed to reinstate the petitioner with full back wages and all consequential benefits.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 14 जून, 1993

का.प्र. 1501—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीकाम्यूनिकेशन के प्रबन्धन के संयुक्त नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लेबर कोर्ट, चण्डीगढ़ के पंचसद को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-6-93 को प्राप्त हुआ था।

[सं. एल- 40012/15/89-डी-II (बी)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 14th June, 1993

S.O. 1501.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Court, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecommunication and their workmen, which was received by the Central Government on 11-6-93.

[No. L-40012/15/89-D.II(B)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 171/89

Joginder Singh Vs. Telecommunication

For the workman—Shri N. P. Mittal.

For the management—Shri Arun Wallia.

Central Government vide Gazette notification No. L-40012/15/89-D 2(B) dated 23rd October, 1989 issued U/S 10(1)(d) of the I.D. Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the telecommunication, district engineer, Rohtak in terminating the services of Shri Joginder Singh S/o Jai Narain, casual worker, w.e.f. 31-3-1988 is just, fair and legal? If not to what relief the worker concerned is entitled to?"

2. It has been alleged in the statement of claim that he was inducted as daily rate casual mazdoor with the respdt. department w.e.f. 1-12-1985 through employment exchange and he was allowed to work till 30-6-1987 and he had completed 461 days from 1-12-85 to 30-6-1987. It is further alleged that he was allowed to continue in the service till

31-3-1988 by which he had completed 813 days as casual labourer with the respdt. management when his services were terminated. It is further alleged that his services were terminated illegally, arbitrarily and without following the provisions of Section 25-F of the I.D. Act. It is further alleged that before terminating his service no reasons were assigned and no show cause notice was issued. It is further pleaded that after his termination, management inducted junior persons as daily rate casual mazdoor by ignoring the claim of the workman which is illegal and bad in law. Petitioner raised the demand notice. The management did not agree for amicable settlement, therefore, the Ministry referred the case for adjudication. It is further pleaded that his termination is in utter violation of law laid down by the Supreme Court. It is further pleaded that on completion of 240 days he would be entitled to the provisions of Chapter V(A) of the I.D. Act, 1947 and his services can not be dispensed with without following the procedure of Chapter V(A). He also relied the case of Piara Singh and claims regularisation. It is also pleaded that his termination is bad in the eye of law and prayed for reinstatement with all consequential benefits, all arrears of pay and other attendant benefits.

3. The management in their written statement has taken the stand that the petitioner was employed w.e.f. 1-12-1985. Thereafter he left the job in July, 1987 and he did not work at all after July, 1987. Further stand was taken that no compromise was arrived before the A.L.C., Rohtak. It is further pleaded that the petitioner had not completed 240 days in the last 12 preceding months. It is further pleaded that petitioner had only worked for 160 days in the last 12 preceding months. The detail is given below :

6/86	28 days
7/86	21 days
8/86	29 days
9/86	30 days
1/87	12 days
2/87	19 days
3/87	29 days
4/87	30 days
5/87	22 days
7/87	13 days.

It is further pleaded that workman attended the job at his own convenience and no verbal permission is required for absence. Further stand of the management is that development work is being carried out on contract basis and no fresh labour is being engaged and prayed for the dismissal of the reference.

4. Replication was also filed reasserting the claim made in the claim statement.

5. The petitioner in support of his case produced himself as WW1. He filed his affidavit Ex. W1 and additional affidavit Ex. W1/A. In additional affidavit Ex. W1/A the plea has been taken that juniors are still working and one Sukhbir Singh who was removed from service in 1982 was reinducted by S.D.O. T. Sonapat in 1988. The management produced Shri Mahak Singh as MW1. He filed his affidavit Ex. M1. The workman got proved the documents Ex. W2, W2/A, W2/B and W3. The management in additional evidence tender document Ex. M2 showing number of days put in by the workman and closed their case.

6. I have heard both the parties, gone through the evidence and record.

7. Counsel appearing on behalf of the workman has argued that during the period up to 31-3-1988 the petitioner had completed more than 240 days and the management has not complied with the provisions of Section 25-F of the I.D. Act before terminating his services, thus he is entitled for reinstatement with full back wages. I do not find any force in this contention. The petitioner is unable to prove that he had actually worked up to 31-3-1988. The petitioner has attached a chart of number of days put in alongwith the statement of claim (not exhibited). In the said chart he has only shown to have worked up to 30-6-1987. But however the chart given by the management in their written

statement the petitioner has shown to have worked up to July 1987. The management has also filed chart showing number of days put in by the petitioner in additional evidence Ex. M2. This chart is only up to May 1987 Chart filed by the petitioner alongwith statement of claim and statement of the number of days put in by the workman as contained in the written statement and chart Ex. M2 filed by the management in additional evidence are being compared. After comparison a conclusion is drawn that in July 1987 the petitioner had worked only for 13 days against book No. 39580. He has not worked in June, 1987. Although the petitioner in his chart shown to have worked for 27 days in the month of June, 1987 but the book number and muster roll number are of same which the management has shown petitioner having worked for 13 days in the month of July 1987. Thereafter, after making comparison of the muster roll and book number the petitioner has worked in the month of May 1987 for 22 days; April 1987 for 30 days; March 1987 for 29 days; February 1987 for 19 days; January 1987 12 days. The petitioner had not worked at all in the months of December, November and October 1986. In September 1986 he had worked for 30 days; and in August 1986 for 29 days. In all he had worked for 184 days. No doubt this runs contrary to the chart submitted by the petitioner. But the same is neither authenticated nor exhibited. But however for the convenience of the parties even if 12 months proceeding July 1987 is counted as per the chart of the petitioner it comes to 223 days. The stereotype statement made by MW1 Mahak Singh that he had worked for 229 days in which holidays are not included can not be accepted being contrary to the documentary evidence. Thus the management has not violated the provisions of Section 25-F of the I.D. Act before terminating the services of the petitioner.

8. The petitioner has failed to prove the violation of Section 25-G and 25-H of the I.D. Act, 1947. In relation to the violation of Section 25-H he has pleaded that one Sukhbir Singh inducted in 1988 and is still working. The petitioner himself in his additional affidavit Ex. W1/A has stated that Sukhbir Singh was removed in 1982, if that is so, then Sukhbir Singh certainly has prior preference than the petitioner as he had already with the respdt. management since 1982 although the petitioner was appointed in 1985. The petitioner has referred the statement of Mahak Singh MW1 who has admitted that subsequently the workers have been employed through contractor for the work undertaken by the telecommunication department for the purpose of maintenance. Counsel for the petitioner had pointed out that the management has violated the provisions of Section 25-H of the I.D. Act. There is no force in this contention. Subsequent employment of the workers through contractor does not attract the violation of Section 25-H as there is no dispute that provisions of Contract Labour Act is applicable to the organisations like respdt. If the respdt. intends to employ contractor, any violation of the Contract Labour Act at the hands of the respdt. management is punishable under the said act, but the same does not violate any provisions of I.D. Act. The ratio laid down in AIR, 1992 Supreme Court page 457 Dina Nath vs. National Fertilizers is followed.

9. In relation to the violation of Section 25-G of the I.D. Act, the reference has been made to W2/A and W2/B. These are two annexures in the communication Ex. W2 dated 30-12-1986 written by S.D.O. Telecommunication Sonapat to Employment Officer Sonapat. The said annexures are no help to the petitioner because no date of employment has been shown to each workman. The petitioner claims Suraj Bhan, Swami Nath, Anil Kumar, Sita Ram and Sukhbir junior to him have been retained. However in the affidavit of the management's witness Mahak Singh their date of engagements are prior to 1-12-1985 on the date the petitioner was engaged. Therefore, they are senior to the petitioner. The petitioner has not contravened this stand in the cross examination of the management's witness. Thus, the petitioner has failed to establish the violation of Section 25-G of the I.D. Act, 1947.

10. In view of the discussion made in the earlier paras, The petitioner has failed to prove the violation of Section

25-F, 25-G and 25-H of the I.D. Act. The petitioner is not entitled to any relief. The reference is dismissed and returned to the Ministry.

नई दिल्ली, 16 जून, 1993

Chandigarh 27-5-93.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 14 जून 1993

का.सा.1502:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार लोको वर्कशॉप नार्थन रेलवे, लखनऊ के प्रबन्धकों के संबंधित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निम्नित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण लैबर कोर्ट, कानपुर के पंचद को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-6-93 को प्राप्त हुआ था।

[सं. एन- 41012/73/89-आई आर (सी)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 14th June, 1993

S.O. 1502.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-L-Court Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Loco Workshop Northern Railway, Lucknow and their workmen, which was received by the Central Government on 11-6-93.

[No. L-41012/73/89/IR (DU)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE SRI ARJAN DEV PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT PANDU NAGAR, LUCKNOW

Industrial Dispute No. 70 of 90

In the matter of dispute between :

The Assistant General Secretary Uttar Railway Karamchari Union 39-II-J Multistoreyed Rly. Colony Charbagh Lucknow.

AND

The Chief Works Manager Loco Workshop Northern Rly. Lucknow.

AWARD

1. The Central Government, Ministry of Labour, vide its notification no. L-41012/73/89/I.R.D.U. dt. 28-2-90, has referred the following dispute for adjudication to this Tribunal:

"Whether Chief Works Manager, Loco Workshop, Northern Rly. Lucknow was justified in terminating the services of Sri Ram Roop s/o Sh. Mohan w.e.f. 13-12-86 as Khalasi? If not, what relief the workman was entitled to?"

2. In this case on 22-4-91, the Union filed the affidavit evidence of the workman. Thereupon the case was ordered for the cross-examination of the workman on 10-6-91. Since 10-6-91, the workman/Union witness never turned up for his cross-examination, till 26-4-93 Sri B. D. Tewari, the authorised representative for the Union informed the Tribunal that the workman is not contacting the Union. It therefore appears that neither the Union nor the workman is interested in prosecuting the case any more. Moreover, the case is getting adjourned for one reason or the other since 10-6-91.

In view of the facts and circumstances stated above, a no claim award is given against the Union/workman.

4. Reference is answered accordingly.

ARJAN DEV, Presiding Officer

का.सा. 1503:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ऐनो/कम्प्यूटेशनल के प्रबन्धकों के संबंधित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निम्नित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण लैबर कोर्ट, कानपुर के पंचद को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-6-93 को प्राप्त हुआ था।

[संसा एन- 42012/24/88-डी-II (बी)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 16th June, 1993

S.O. 1503.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of Telecommunication and their workmen, which was received by the Central Government on

[No. L-42012/24/88-D.II (B)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. I. D. 29/89

Sultan Singh Vs. NDRI

For the workman—Shri Gurmit Singh.

For the management—Shri Darbara Singh.

AWARD

Central Government vide Gazette Notification No. L-42012/24/88-D.II (B) dated 7th February 1989 issued U/S 10(1)(d) of I. D. Act 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of NDRI Karnal in terminating the services of Shri Sultan Singh w.e.f. 26-2-1982 is valid and justified? If not to what relief the concerned workman is entitled to?"

2. It has been alleged in the statement of claim that he was working daily wages with NDRI Karnal and posted at Milk Centre Sangoha. He was employed on 12-7-1981. His services were terminated without any notice on 26-6-1982 for which he made complaint to the higher authorities that he be reinstated with back wages. He was never issued any termination letter nor any enquiry was initiated. It is further alleged that from 12-7-1981 to 26-6-1982 he worked without any break or interval. It is further alleged that he raised demand notice on 9-1-1985 and then on 15-2-1986 but no response. However in Feb. he came to know that A.L.C. sits at Rohtak and thus raised demand notice on 15-5-1987. It is further alleged that during the conciliation proceedings despite the admission by the management regarding his employment for more than 240 days the management did not reinstate him and thus his prayed for reinstatement with full back wages.

3. The management in their written statement has taken objection that the application is time barred and no notice U/S 80 CPC has been served. The petitioner has not come to the Court with clean hands and the NDRI Karnal is juristic person. On merits the plea has been taken that Pala Ram T-2 Central Supervisor, Sangoha had written to the incharge that the petitioner has left of his own on 26-6-82 and another daily paid worker be provided. The management has taken the stand that his services were never terminated rather he himself has left the services. Further plea of the management is that the petitioner made complaint on 28-6-82

against said Pala Ram alleging that he got him terminated in which enquiry was held by Dr. Mahi Pal on 2-7-1982 and the report was submitted that the said complaint made by the petitioner against Pala Ram was false. Further stand of the management is that petitioner himself refused to do the job and thus there is no question of taking the petitioner back in service and prayed for the dismissal of the reference.

4. Replication was also filed reasserting the claim made in the claim statement.

5. Petitioner WW-1 filed his affidavit Ex. W-1 in evidence and also relied on Ex. W-2 the conciliation proceeding before the A.L.C. The management had filed the affidavits of G. Parshad, Chief Admn. Officer, J. N. Dhawan and Capt. Mehar Singh Admn. Officer but produced Mr. Mehar Singh as MW-1 who filed his affidavit Ex. M-1. In cross-examination he has admitted that the workman had worked for more than 240 days as admitted by them before A.L.C. the proceedings of which are Ex. W-2.

6. I have heard both the parties, gone through the evidence and record.

7. There is no dispute to the fact rather admitted that the petitioner had worked from 12-7-1981 to 26-6-1982 continuously without any break and had completed more than 240 days. But however plea of the management is that the petitioner himself had abandoned the job. This plea can not be accepted in view of the circumstances of the present case and the evidence available on the record. Admitted facts in the present case is that the petitioner Sultan Singh made a complaint against one Pala Rama Central Supervisor alleging that he has been terminated at the behest of Pala Ram on which the enquiry was conducted by Dr. Mahi Pal on 2-7-1982. No doubt in the said report it was found that the complaint was false but one thing is established that the petitioner was very much there on 28-6-1982 the date when he made the complaint. If the petitioner was to abandoned the job and not interested to work any more with the respondent management there was no question of being him with the respondent management on 28-6-1982 and having made a complaint against Pala Ram. Rather when on 2-7-1982 it was found that the petitioner was not terminated at the behest of said Pala Ram the respondent management could offer the petitioner again to join duty and treated the earlier period of 5/6 days as of the leave of the kind due. But no such step was taken by the respondent management. Ex. W2 is the conciliation proceedings before the A.L.C. The plea of the management in that proceedings also that they are not willing to take him back in the service implies that the respondent management wanted to get rid of the petitioner under the grab of the plea of abandonment. Therefore, the plea of the Respondent management that the petitioner had abandoned the job is merit less and thus rejected.

8. In view of the discussion made in the earlier paras 3.93 the petitioner since had completed 240 days proceedings 12 calendar months from 26-6-1982 on the date when his services were terminated, certainly the management has violated the provisions of Section 25-F of the I. D. Act. Thus the petitioner is ordered to be reinstated in service with continuity of service from the date when his services were terminated.

The petitioner has raised the demand notice in the year 1987 although cause of action had accrued to him in the year 1982 when his services were terminated. He tried to explain the delay while stating that he made many demand notices but no reply was received is without any merit on account of lack of evidence to this effect. The workman raised the industrial dispute after a considerable delay without doing any thing mean while to question the termination of his services. It will not be justified in awarding full back wages. It would be appropriate that awarding of half the back wages from the date of termination of services till reinstatement will meet the ends of justice. The ratio laid down in AIR 1984 S.C. Page 286 *Jai Bhagwan Vs. Management of Ambala Central Co-op. Bank Ltd.* is followed Reference is answered accordingly.

As per the pleadings of the parties date of termination is 26-6-82 and not 26-2-82 as contained in term of reference. It seems that there is typographical error. The same stand corrected as 26-6-82.

Chandigarh.

Dated : 31-5-1993

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 16 जून, 1993

नं. प्र. 1504 -- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार तूतीकोरम पोर्ट ट्रस्ट, तूतीकोरम के पदस्थान के संरक्षित नियोजकों और उनके कर्मचारियों के बीच, श्रमविवाद में निरिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, तूतीकोरम पोर्ट ट्रस्ट को प्रस्तुत करता है, जो केन्द्रीय सरकार को 15-6-93 को प्राप्त हुआ था।

[संज्ञा पत्र-44011/1/86-वि(प)/वि III (बी)]

बो.एम. डी.एड. डेस्क अधिकारी

New Delhi, the 16th June, 1993

S.O. 1504.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Labour Court, Tirunelveli (Tamil Nadu) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Tuticorin Port Trust, Tuticorin and their workmen, which was received by the Central Government on the 15-6-93

[No. L-14011/1/86-DIV(A)/D.III(B)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, LABOUR COURT, TIRUNELVELI

PRESENT :

Thiru C. Murugesan, B.A., B.L., Presiding Officer.

Thursday the 27th day of May, 1993

Industrial Dispute No. 539/89

BETWEEN

The workmen of Tuticorin Port Trust represented by the Tuticorin Port Mariners' and

General Staff Union, Tuticorin

...Petitioner.

Vs.

The Management of M/s. Tuticorin

Port Trust, Tuticorin.

...Respondent No. 1.

Thiru M. Muthappan,

S/o. Late M. Muthuvinnayagam,

19-H. Sivan Kovil Street,

Tuticorin-2.

...Respondent No. 2.

This dispute coming on before me for final hearing on this day, in the presence of Thiru M. Ravindran, President, Port Mariners and General Staff Union, Thiru D. M. Stephen, Secretary, Port Mariners' and General Staff Union, Thiru N. Gurusamy, Joint Secretary, Port Mariners' and General Staff Union appearing for the petitioner and of Thiru A. Muthuramurthy, Assistant Secretary of Tuticorin Port Trust for the Respondent, the Court passed the following :—

AWARD

This is an Industrial Dispute between the Secretary of the Tuticorin Port Mariners Union, Tuticorin and the Chairman of Tuticorin Port Trust, Tuticorin referred to this Court for adjudication under Section 10(1)(d) and Section 10(2A) of the Industrial Disputes Act, 1947 as per Lr. No. L-44011/1/86-D. IV(A)/D.III(B). Ministry of Labour, Government of India, dated 29-9-89 the subject matter of the reference being :

"Is the Management of Tuticorin Port Trust, Tuticorin justified in promoting S/Shri M. Muthappan and K. Jayakumar, U.D.Cs. as Head Clerks over looking the claim of more than 50 senior U.D.Cs. If not what relief such of the U.D.Cs. as are senior to S/Shri M. Muthappan and K. Jayakumar are entitled to?"

This is a petition under Section 2-A or Section 10 of the Industrial Disputes Act, 1947.

(2) The averments in the claim statement as follows:—
An Industrial Dispute was raised by the Petitioners' Union vide letter No. TPMU/85/HMS/DI27 dated 16-10-1985 before the Assistant Labour Commissioner (Central), Trivandrum. The Assistant Labour Commissioner was kind enough to hold conciliation meetings. As the Assistant Labour Commissioner was not able to settle this case amicably, he submitted his failure of conciliation Report to the Ministry of Labour, New Delhi in their letter No. 16(1)86/ALC/TVM, dated 20-3-1986, after analysing our Union written brief statement dated 8-3-1986. In the mean time the aggrieved affected employees filed a writ Petition in No. 4016/1986 before the High Court of Madras. The Labour Ministry, New Delhi in this letter dated 3-2-1987 has informed the Petitioner Union that the Central Government had not proposed to refer the dispute for adjudication, since the Writ Petition No. 4016/1986 is pending. The petitioners had sent a joint declaration and assured to withdraw the Writ Petition filed in the High Court of Madras subject to the condition that the case being reviewed and referred for adjudication by the Labour Ministry. Consequently the Writ Petition was withdrawn on the same was informed to the Labour Ministry. After examining the factors, the Central Government by an order dated 29-9-89 referred the following dispute for adjudication by this Honourable Court.

SCHEDULE

"Is the management of Tuticorin Port Trust, Tuticorin justified in promoting Shri M. Muthappan and K. Jeyakumar, UDCs as Head Clerk overlooking the claim of more than 50 Senior UDCs. If not, what relief such of the UDCs as are senior to S/Shri M. Muthappan and K. Jeyakumar are entitled to."

As per Section 29 of Tuticorin Port Trust (Recruitment, Seniority and Promotions) Regularisations, 1979, a Departmental Promotion Committee, is a Committee, the main function of such committee is to advise and assist the Appointing Authority for appointment to different posts by Promotion. The Section 29 of Tuticorin Port Trust (Recruitment, Seniority and Promotions) Regulations, 1979, reads as follows:—

Departmental Promotion Committee:—

(1) There shall be Departmental Promotion Committee as mentioned in Sub-regulation (2) for each category of posts for the different units of the Board, the Main functions of such committee being to advise and assist the appointing authority in the matter of making selection of candidates for appointment to different posts by promotion in accordance with these regulations.

(2) The categories of posts and the composition of the departmental promotion committees therefor referred to in sub-regulation (1) shall be the following, namely:—

(a) For Class I Posts and Class II Posts:

(i) Chairman

(ii) Deputy Chairman, if appointed;

(iii) Secretary or F.A. and C.A.O., as may be nominated by the Chairman for a specific period; and

(iv) Head of the Department where the vacancy exists.

NOTE:

The Chairman or in his absence, the Deputy Chairman, if appointed shall preside over the meeting of this Committee. If owing to unavoidable reasons, the Secretary or the FA&CAO, as the case may be is unable to attend, a senior officer from their respective department may attend with the prior approval of the Chairman or the Deputy Chairman.

(b) For Class III and Class IV Posts:

(i) Head of the Department where the Vacancy exists;

(ii) Secretary; and

(iii) Two officers of the rank not below that of Deputies to Heads of Departments, to be nominated by the Chairman for a specific period:

Provided that where promotions to vacancies in more than one Department are made on the basis of a common Selection the composition of the committee shall be decided by the Chairman from time to time. Provided further that, as far as possible, the Head of the Department concerned and the two other officers, nominated as member of the committee shall attend the meeting personally. If due to unavailable reasons, they cannot attend a meeting personally, the next Senior Officer in their respective Department shall attend the meeting.

NOTE: The Head of the department concerned, if present, and in his absence, the Secretary shall preside over the meetings of the committee.

As per the Schedule attached to Tuticorin Port Trust Employees (C.C.A.) Regulations, 1979 in respect of Classes I and II the Chairman is the appointing Authority and the Government is the Appellate Authority in respect of Class III and Class IV the Heads of Department is the Appointing Authority and the Chairman is the Appellate Authority.

(3) The promotion to the Post of Head Clerk which comes under Class three posts as follows:—

L.D.C. Five years experience.

U.D.C. Five years experience.

One Departmental Promotion Committee met during July 1985 to consider candidates for promotion to the Post of Head Clerk. As on 2-7-85, 7 posts of Head Clerk were vacant. Out of 7 posts one post was reserved for Schedule Castes 2 posts were reserved for Scheduled Tribes, and 4 posts were reserved for open candidates. On 2-7-85 the D.P.C. recommended the following four open candidates namely: (1) Shri S. Anantha Santhakumar, (2) Shri K. Antony Srinivasan, (3) Smt. P. M. Premavathi, (4) Shri S. Ganapathy. But the Chairman in his order dated 6-8-85 had promoted the three candidates namely: 1. Thiru S. Anantha Santhakumar, 2. Smt. P. M. Premavathi, 3. Shri P. Subramanian, by evolving his own procedure which is not governed by any of the Regulations in Tuticorin Port Trust and orders of the Central Government. The two persons which were recommended by the Departmental Promotion Committee namely: Thiru K. Antony Srinivasan, and Thiru S. Ganapathy were omitted to be promoted. Further Thiru P. Subramanian who was not considered by the Departmental Promotion Committee was also promoted by the Chairman. The purpose of the Departmental Promotion Committee was defeated by the Chairman as per Memo No. 2201/3/80-Estt. (D) G. I. H. Home Affairs dated 26-3-1980, the Chairman has no power to amend the list of candidates recommended by the Departmental Promotion Committee. The Departmental Promotion Committee met on 2-7-85 recommended by four Candidates against four unreserved vacancies. The Chairman has filled up 3 vacancies of Head Clerk and one post was kept vacant with a motive to promote Shri Muthappan. This is in violation of Section 30(2)(g) of TPT RSP Regulation 1979. Section 30(2)(g) reads as follows:

"With a view to providing for casualties and for some unforeseen vacancies, the number of employees on each select list shall normally be slightly more than the number of vacancies which are likely to arise in the higher posts in the following twelve months".

A post of Head Clerk was kept vacant from July 1985 even though qualified employees were available and a select list was prepared and recommended by the D. P. C. on 2-7-85. The Chairman constituted a separate D. P. C. consisting of the Chairman and another four members and the committee during September 1985 has selected a list of person. The constitution of the committee is invalid as per Section 29(2)(b) of the Port Regulations 1979 (RSP) the Secretary is a permanent member in the D. P. C. The other two member who are nominated by the Chairman shall attend the meeting personally and if they do not attend the

meeting personally due to unavoidable circumstances the next senior officers shall attend the meeting whereas no-body can substitute the place of the Secretary. The Secretary is the Head of the Ministerial Department. There is a common Seniority maintained among the Superintendent, Head Clerks, Upper Division Clerks, Lower Division Clerks, Record Sorter, Geste-tner Operator. The list is maintained as circular No. 19/3/80-s dated 3-4-80. The 2nd D. P. C. was constituted during September 1985 within a short period of 2 months to promote Shri M. Muthappan which is invalid as per Central Administrative Tribunal Judgment. The Petitioners Union represented to the Chairman about the improper constitution of the D. P. C. The appointment order was issued by the Secretary for such post, where as in the particular case the promotion order of Shri M. Muthappan for the post of Head Clerk. The Chairman got vested interest on Shri M. Muthappan who is his closed relative. The illegal D. P. C. met on 16-9-85 and 27-9-85 and recommended for the following candidates. (1) Thiru M. Muthappan, (2) Shri K. Jeyakumar, (3) Thiru T. Sinthathurai, (4) Thiru V. Muthuswamy. The above said four employees should not come under the zone of consideration for the promotion of Head Clerk as per Section 30 of TPT Regulation 1979. The 10 eligible persons were overlooked by the committee. Mr. M. Muthappan who was placed at serial No. 100 in the list. He was promoted as Head clerk and joined duty on 28-9-85.

There were 4 posts vacant and Mr. Muthappan was promoted on 28-9-85 and subsequently one Shri K. Jeyakumar was promoted on 4-10-1985 from the waiting list. But no such waiting list has been maintained by the D.P.C. which met on 2-7-1985. If any waiting list has maintained on 2-7-1985 there was no necessary to constitute a Second D.P.C. during September 1985. The existing clear vacant post of Head Clerk which fell vacant during the month of July 1985 was kept vacant only with a motive to promote Shri M. Muthappan. In the above said circumstances, it is prayed that the Hon'ble Court may be pleased to pass an award.

- (1) Promote the concerned workmen S/Shri A. Antony Srinivasan and Shri S. Ganapathy, Upper Division Clerks to the post of Head Clerks as per the recommendations of the Departmental Promotion Committee held on 2-7-1985 with all ancillary benefits like seniority, increments and all the back wages with effect from 7-8-1985 (i.e.) the date of promotion of their Juniors.
- (2) The illegal Departmental promotion committee which was constituted during September 1985 and the recommendations of the Departmental promotion committee met on 16-9-1985 and 27-9-1985 should be quashed;
- (3) The illegal promotion of S/Shri M. Muthappan K. Javakumar and Shri P. Subramanian should be quashed.
- (4) The Respondent filed a counter statement as follows: It is submitted that the Respondent Port Trust Board was formed with effect from 1-4-1979. Prior to the formation of the Tuticorin Port Trust Board, under Sub-Section (1) of Section 4 of Major Port Trusts Act, 1963, this Port was functioning as a subordinate Office of the Ministry of Shipping and Transport. All the orders and instructions of the Central Government were being followed by the erstwhile Major Port of Tuticorin. After 1-4-1979, i.e. after the formation of Tuticorin Port Trust Board, separate rules and regulations are available. The Central Government in exercise of the powers conferred by Section 126 read with Section 28 of the Major Port Trusts Act 1963, framed first Regulations for the use of Tuticorin Port Trust. One of the first Regulations framed and notified by the Central Government effective from 1-4-1979, is the Tuticorin Port Trust Employees (Recruitment Seniority and Promotion) Regulations, 1979. Similarly another first Regulations notified by the Central Government is Tuticorin Port Trust (Adaptation of Rules) Regulations, 1979, regarding continuance of existing Rules, extract of which is submitted below :—

4. Existing Rules to continue :—Existing rules and orders and subsequent amendments thereto made on or after the appointed day relating to the following matters shall to the extent they are not inconsistent with the Provisions of the Act or any regulations made thereunder, and until they are altered, repealed or amended by the Board, continue in force as if they were made by the Central Government under the Act, namely—

- (i) matters specified under Section 28 of the Act, and
- (ii) matters specified in clause (b) and clause (c) to (n) of Section 123 of the Act;

provided that any amendment aforesaid to the existing rules and orders, not advantageous to an employee, shall not be made applicable to such employee unless the Board obtains the previous sanction of the Central Government. In the circumstances, it may be mentioned that consequent on the framing of Tuticorin Port Trust Employees (Recruitment, Seniority and Promotion) Regulations, containing procedures and recruitment rules in the schedule to regulate the appointments and promotions in this Port, the rules of the Central Government are not applicable with effect from 1-4-1979, where there are specific provisions available with effect from 1-4-1979, where there are specific provisions available in the Port Regulations. However, in the absence of specific guidelines in the Tuticorin Port Trust Employees (Recruitment, Seniority and Promotion) Regulations, 1979, the rules and regulations of the Central Government are continued by virtue of the Tuticorin Port Trust (Adaptation of Rules) Regulations, 1979. With regard to the contention vide para 10, the following are submitted. It is true that Government of India in Ministry of Home Affairs (D.O.P. & A.R.) Memo No. 220(1)/3/76-Est.(D) dated 24th December 1980 had issued instructions regarding number of eligible officers to be considered for each number of vacancy by the Departmental Promotion Committee. These instructions have been incorporated as Government of India's decision No. 1 below item 'X' of the procedure for making promotions and functions of the Departmental Promotion Committee. According to the said instructions, 10 candidates are required to be considered for three vacancies. In this connection it is stated that so far as filling up the post in various grades in the Tuticorin Port Trust, the Central Government in exercise of the powers conferred under Section 126 read with Section 28 of the Major Port Trusts Act, 1963, framed the Tuticorin Port Trust Employees (Recruitment, Seniority and Promotion) Regulations 1979. According to Regulation 30 of the said Regulations, the Zone of consideration is not less than 3 times and not more than 5 times the number of vacancies. However, the Departmental Promotion Committee, at its discretion for reasons to be recorded in writing after these limits to suit exceptional circumstances. In so far as, a separate regulations framed for the Port Trust, under the statutory powers of the Central Government in existing the orders of the Government of India issued in letter dated 2-4-1980 as referred to by the petitioner union in the dispute cannot be construed to have amended the Port Regulations. In this connection, it is also submitted that the Central Government had also by virtue of Section 126 read with Section 28 and 134 of the Major Port Trusts Act, 1963, framed the Tuticorin Port Trust (Adaptation of Rules) Regulations, 1979. According to Regulations 4 of the said Regulations, "existing rules and orders and subsequent amendments thereto made on or after the appointed day relating to the following matters shall, to the extent they are not inconsistent with the provisions of the Act or any regulations made thereunder and until they are altered, repealed or amended by the Board continue in force as if they were made by the Central Government under the Act viz. (i) matters specified under Section 28 of the Act and (ii) matters specified in Clause (b) and Clauses (c) to (n) of Section 123 of the Act, provided that any amendment aforesaid to the existing rules and orders shall not be made applicable to such employees unless the Board obtains the previous sanction of the Central Government. In view of the above, provisions of Regulation 4, the Government of India's orders are applicable to the Port Trust only to the extent they are not inconsistent with the provisions of any regulations, and until they are altered/ amended by the Board. In the particular case under reference, since specific provisions are available under Regulation 30 of the Tuticorin Port Trust Employees (Recruitment,

Seniority and promotion) Regulations, 1979 the zone of consideration considered by the Departmental Promotion Committee is in accordance with the Regulations and there are no violations. The statement of the petitioner union that the Ministry's letter dated 24-12-1980 had superseded Regulation 30 of the Tuticorin Port Trust Employees (Recruitment, Seniority and Promotion) Regulations, 1979 is neither factual nor correct. The Government of India instructions can be implemented by the Port by virtue of Tuticorin Ports Trust Adaptation of Rules Regulations, 1979, only when they are not inconsistent with the provisions of the Regulations made by the Government applicable to the Port Trusts.

(5) It is true that a Class III Departmental Promotion Committee constituted by the Chairman on 2-7-1985, and recommended a list of seven candidates, for promotion to the grade of Head Clerk with four unreserved one Scheduled Caste and Two scheduled Tribe. Since the D.P.C. did not reflect the grading given in the relevant columns of the C.R. The Chairman reviewed the recommendations of the Departmental Promotion Committee, though there are no specific provisions available under the Tuticorin Port Trust Employees (Recruitment, Seniority and Promotion) Regulations 1979. The recommendations of the D.P.C. accepted by the Appointing Authority, are not in order. In the circumstances the action of the Chairman is not motivated but warranted to set right the assessment made by the D.P.C. with reference to the overall grading given in the C.R. The Departmental Promotion Committee which met in the instant case on 2-7-1985 should have followed these guidelines. Since this was not done, it necessitated the Chairman to review it. Hence the Chairman necessarily reviews all D.P.C. Proceedings at his level. The appointing authority who is not a member of the Departmental Promotion Committee can ask for review. In respect of para 13 of the claim statement, it is submitted that filling up all the vacancies is only with reference to the requirement of the manpower and it is purely an administrative matter as decided by the Chief Executive of the organisation. It is true that the Departmental Promotion Committee had recommended four unreserved candidates, one Scheduled Caste candidate and two Scheduled Tribe candidates. As the Chairman found that the recommendations were not made correctly with reference to the actual performance of the candidates representing the grading of each item in the CR, he reviewed the recommendations of the D.P., and prepared a select list. However, he prepared only a select list of three unreserved candidates as against the four candidates prepared by the Departmental Promotion Committee. The Chairman had also ordered to fill up three vacancies unreserved. These are all the administrative matters with reference to the exigencies at the relevant point of time. As far as para 14 of the claim statement is concerned, it is submitted that a Class III D.P.C. for filling up of one post of Head Clerk was constituted subsequently in accordance with the proviso to Regulations 29(2)(b) of the Tuticorin Port Trust Employees (Recruitment, Seniority and Promotion) Regulations 1979. As Secretary was abroad for training, the Secretary incharge was nominated to the committee along with other officers from various Departments in accordance with the proviso to the Regulation mentioned above. There is, therefore, no case of violation as alleged by the petitioner Union. The Secretary was on four during the period September 1985, and the post of Head Clerk is also a common category of post. As the vacancy in the grade of Head Clerk was proposed to be filled in a class III D.P.C. was constituted by the Chairman under the Proviso to Regulation 29(2)(b) of the Tuticorin Port Trust Employees Regulations 1979. In respect of Para 16, it is submitted that Regulations are framed and amended under the Statutory powers vested with the Board and the Central Government. Amendments are required to be made taking into various matters prevailing upon at the relevant point of time. Therefore, there is nothing wrong in proposing an amendment to the Tuticorin Port Trust Employees Regulations 1979. —Regarding the allegation that Shri M. Muthappan, is a close relative of the Chairman, the allegations had been denied by the former Chairman, in the counter affidavit filed in the High Court of Madras, against Writ Petition Challenging promotion of Shri M. Muthappan. The Writ Petition was, however dismissed as withdrawn. The constitution of the D.P.C. during 1985 was made by the Chairman under Proviso to Regulation 29(2)(b) of the Tuticorin Port Trust Employees regulations 1979 and as such it is not invalid. As Secretary was on training abroad and the Secretary incharge had no statutory powers, the Chairman had signed the order of appointment. Therefore, the composition of the Committee made by the Chairman was not un-

constitutional. In this connection, it is pointed out that according to Regulation 30, the D.P.C. can alter limits of the zone of consideration, for reasons recorded in writing to suit exceptional circumstances. With regard to the contentions vide para 18 it is submitted that Thiru M. Muthappan was promoted only with reference to the specific recommendations of the D.P.C. constituted in accordance with the provisions of the Port's regulations. It is true that he was promoted on 28-9-85, which was a holiday. As departmental examinations were conducted for promotion to the post of Upper Division Clerk and the office was functioning with required staff, Thiru M. Muthappan was promoted on 28th September, 1985 and he joined duty on the same day. There is nothing wrong for promotion and joining of duty on a holiday. As the Secretary, who is the appointing Authority in respect of the Post of Head Clerk which comes under common category of posts was on training abroad and the Secretary incharge had no statutory powers, Chairman had issued the order of promotion under his signature. In the circumstances, it is submitted that the prayer for promotion of Thiru K. Antony Srinivasan and Shri S. Ganapaty with retrospective effect i.e. from 7-8-85, does not deserve any consideration since the recommendations of the committee was found not in order by the Chairman, who is the Appellate authority on the ground that the assessments by the Committee were made only with reference to the overall grading in the C.R. and not with reference to the grading given for each item in the C.R. As he had prepared a revised select list, the promotion was given with reference to the candidates recommended in the revised select list prepared by the Chairman. The D.P.C. met on 16-9-85 and 27-9-1985 could not be considered as illegal, as they were constituted by the Chairman under the specific powers conferred on him under proviso to Regulation 29(2)(b) of Tuticorin Port Trust Employees (Recruitment, seniority and Promotion) Regulations, 1979. The promotion of Shri M. Muthappan, K. Joyakumar and P. Subramanian were made only with reference to the select list. In the circumstances explained above it is submitted that there are no merits in the claims of the petitioner union and it is prayed that the same may be dismissed with cost.

(6) The petitioner filed a statement of Rejoinder to the Counter claim as follows :—Prior to 1-4-79, the port was functioning as subordinate office of the Ministry of Surface Transport and all the Government rules and orders were made applicable to the port employees. After 1-4-79, The Central Government have made the first regulation with reference to Sec. 29(1)(f) of Major Port Trusts Act, under the same terms and conditions of service (i.e.) similar to the Government rules existing at the time. Regulation 30 of the Port Trust Employees Regulation 1979 was made on Par with the Government Rules according to Government of India. Zone of consideration for promotion to Selection Post the same should be made applicable to the Port by virtue of (Adaptation of Rules) Regulation 1979. It is to be noted that in the counter filed by the Port Administration in the Writ Petition 4016/1986 in the High Court of Madras have stated that Zone of consideration was extended with reference to the Government of India order dated 16-5-1957 which was superseded by a revised order dated 24-12-1980 (i.e.) Prior to the constitution of the Departmental Promotion Committee which met during September 1985. The Chairman has no powers to review any case suo-moto unless an appeal is made to him. As per regulation 29(1)(d) the Chairman can exercise the power of review when the authority which made the order in appeal or the authority to which an appeal would lie, is subordinate to him. If the Chairman felt that the Departmental Promotion committee had not followed the procedure correctly, he should have directed the Committee to reconsider the matter. As the Ministry who is having the overall supervision and control over the Port have strongly observed that the Port regulation have been violated by the Chairman. The Chairman, Tuticorin Port Trust has no business to evolve his own method and procedure to be followed in D.P.C. According to Regulation 30(2)(g) of Tuticorin Port Trust Employees (Recruitment Seniority and promotion) Regulation 1979, the select list shall be normally, more than the actual number of vacancies. But no waiting list was made. The Chairman is the Appellate Authority. He is not the appointing authority. As the Chairman has issued the order of promotion to Shri M. Muthappan he had violated the rules. The amendment proposed by the member of the D.P.C. is also not approved by the Government. The un-

constituted D.P.C. which met on 16-9-85, 27-9-85 have selected four candidates for one vacancy. Where as during July 1985 the Chairman himself had prepared a select list of three persons for four vacancies. In the above circumstances the request passed by the petitioner has to be allowed.

7. While the main I.D. 539/89 is pending the 3rd party by the name of Muthappan has filed a petition to implead himself as a respondent. I find that the attack in this case is only in respect of the promotion of the 3rd party. In the interest of Justice the petitioner filed the 3rd party is allowed and is added in the 2nd respondent in the main petition to give an opportunity for the 3rd party and also to give a finality in this matter. In I.D. 539/89 the Arguments of the Petitioner and the respondent 1 and 2 were heard and order was reserved. In this case both the parties have filed a petition and counter in English. They submitted their written arguments in English. The documents which are filed by both the parties are in English. Since the pleadings, documents and arguments submitted by the parties are in English and the award is going to be published in the Gazette by the Labour Ministry union of India, I have been chosen to deliver Judgment in English.

8. The Point for consideration in this petition.

1. Whether the promotion of M. Muthappan and Jeyakumar as Head Clerks over looking the claim of more than 50 Senior U.D.Cs Justified:

2. If not what relief such of the U.D.Cs as are senior to them are entitled.

9. The Petitioner is the workmen of Tuticorin Port Trust represented by the Tuticorin Port and Junior Staff Union. states that the respondent the management of port trust Tuticorin had promoted two persons by name M. Muthappan and Jeyakumar by over looking more than 50 Senior U.D.Cs. and also prayed the relief to promote the Senior U.D.Cs and also prayed for the Departmental Promotions Committee which was held for September '85 as to be set aside and the illegal promotion of M. Muthappan and Jeyakumar have to be set aside. It is stated in the petition that the D.P.C. which was constituted during July '85 to consider eligible candidates for promotion to the post of Head Clerk and the committee meeting of 2-7-85 unanimously recommended and the following candidates for 4 unreserved post of Head Clerk and kept vacant for 4 posts. The another department committee was constituted during September, '85 and selected the 4th person by name of Muthappan and Jeyakumar and two others and the Chairman issued an appointment order for the 3 persons who were selected by the July 1985 D.P.C. and also issued an order to the 2nd respondent who was selected during September 1985. D.P.C. It is further stated that there is no necessity for the D.P.C. to be constituted in the month of September 1985 in a period of two months after the D.P.C. selected the candidates during July 1985. Another allegation is that the Chairman has not accepted the recommendations of the D.P.C. which was met for the month of July 1985, and the post was kept vacant in order to fill up for the sake of Thiru M. Muthappan and the Second D.P.C. was constituted in the month of September 1985. The motive is to bring the Junior U.D.C. as Head Clerk by over looking of more than 50 Senior Upper Division Clerks.

10. The respondent has stated in this Counter that the specific guide lines were not furnished to the Departmental Promotion Committee which was met in the month of July 1985, and the vacancy which was caused to the first D.P.C. as filed up by the first respondent and there is no violation of the provision made by the 2nd D.P.C. constitution of September '85.

11. Mr. M. Muthappan was promoted as Head Clerk under Ex. W.7 order dated 28-9-85. On 5-10-85 the Chairman confirmed the promotion of 5 Head Clerks and 4 persons which were promoted as Head Clerk by the first D.P.C. and the 5th person Muthappan was selected by the first respondent and this post was confirmed on 5-10-85. Mr. Muthappan has joined duty immediately on 28-9-85 as Ex. W.8. Firstly the above said promotion were not accepted by the petitioner union and the Ministry of Labour as seen from Ex. W.1, addressed to the first respondent and also Secretary of the Petitioner Union. A Writ Petition No. 4016/86 has been filed before the High Court of Madras by one Sankar and 5 others and they are not proceeded the adjudication under Ex. W.2. The

Union President had sent a letter on 6-2-87 that the affected persons filed the Writ petition against the illegal promotion made by the 1st respondent in the year 1985. It is further stated that the subsequent promotion were also being affected. Firstly the affected persons filed a Writ Petition before the High Court. Then the union had raised a dispute before the Ministry of Labour and same was not referred for adjudication, since the matter was pending before the High Court Madras. The Union had raised the dispute on 16-10-85 the conciliation proceedings was started by the Assistant Labour Commissioner, Delhi and he finds that a Writ Petition was filed by the affected parties before the High Court of Madras. Hence the Ministry of Labour was not inclined to refer the above matter for adjudication. The Assistant Labour Commissioner of Labour Ministry of India referred the matter for adjudication to this Court on 28-9-89.

11. The petitioner has stated that there are four class of posts to be selected and recruited by the first respondent. The Chairman is an appointing authority for the class 1 and 2 posts and the Head of department is appointing authority for the class 3 and 4 posts. In this case the dispute is with regard to the post of Head Clerk which is class 3 posts as per regulation. The post of Head Clerk has to be filled up by promoting the senior U.D.Cs. There were 7 vacancies in the post of Head Clerks. one post is to be reserved for schedule caste and 2 posts is to be reserved for schedule tribes, 4 posts unreserved vacancies and they have to be filled up by the departmental promotion committee. On 2-7-85 the D.P.C. was constituted and selected the 4 persons by name Anantha Santha Kumar, 2-Antony Srinivasan, 3. P. M. Premavathi, 4. S. Ganapathy. The Petitioners are not challenged or attacked the first departmental Promotion Committee and the recommendation met during July '85. But out of 4 vacancies which has selected by the Committee 3 vacancies of Head Clerks were filled up and one Post kept vacant. He stated that on the date of selection on 2-7-85 Thiru M. Muthappan and K. Jeyakumar were Junior employees and they were selected during September 1985. D. P. C. by over looking more than 50 senior employees. The petitioner has pointed out Ex. M1, the constitution of D. P. C. and as per regulation of Tuticorin Port Trust (Recruitment Seniority and Promotion) regulation 1979. The main function of the committee is to be appointing authority in this matter of waiting selection of candidates. For Class 3 posts is a Head Clerk, head of the Department where the vacancies Secretary and two officers non below that of deputies to Heads of Departments to be nominated by Chairman and specific relief. As per the above regulations the Head of the Department automatically the permanent member of Departmental Promotion Committee. The D.P.C. which met on 16-9-1985 and 27-9-1985 had recommended a list consisting of Mr. Muthappan, Mr. K. Jeyakumar, Mr. T. Sindha Durai and Muthusamy as per regulation 30 of Tuticorin Port Trust employees 1979 were promotion is to be made to a non-selection post. The employees who was senior most in the gradation list of the cadre from which promotions are made, the ordinarily be for selection. Further more employees the promotion has to be made from Senior most in these the record shows that the post that the necessity qualification for the higher post such as personality, qualification, height, strength of character and rediness to assessment an individual responsibility. For the selection of Junior person if selected reasons must be stated for over looking Senior. The chairman has to record the reasons in writing. In this case the petitioner has stated that the regulations contained Ex. M.1 has not followed by the Chairman and the recommendations put for by the D. P. C. which met during July 1985 was not accepted by the Chairman in full. And there is no reasons recorded for keeping the 4th post has vacant, and there is no reason recorded for the selection of Junior persons by over looking the Senior persons.

12. The respondent has stated in the Counter that the Port Trust Board was formed on 1-4-79. Prior to the formation the Tuticorin Port Trust Board was Governed under Sec. 4(1) of Labour Port Trust Act 1973. And the Port was functioned as subordinate Office of the Ministry of Transport. After 1-4-79 separate Rules and regulation are framed for governing the Tuticorin Port Trust. As per Sec. 4 the existing rules and orders and substitute amendments are to be continued and hence the respondent had continued the rules and regulations prior to 1-4-79. Which is to be seen from the document filed by the respondent under Ex. M. 1 to M. 8. The Ministry of Shipping and Transport had framed

separate rules and regulations for the appointment of the employees by the Port Trust from 1-4-79. It is also seen that the rules and regulations framed by the Ministry are not consistent with the existing rules the respondent has to follow the rules which were framed after 1-4-79. The Under Secretary Raja Sabha Secretariate had issued a memo to the Ministry of Surface Transport with the certain provisions of the Tuticorin Port Trust recruitment Seniority and Promotions regulations were violated in respect of promotion to the post of Head Clerk, and also request the Ministry to take necessary action about the matter. The above said memorandum is marked as Ex. M. 9. The respondent Port Trust was also aware of the existing Rules which has to be pointed out at this juncture. That the Tuticorin Port Trust is not an Autonomous Body and their rules and regulations and amendments have to be approved by the Government of India then and there. The respondent has filed the Port Trust Employees recruitment and promotion Rules, 1979 under Ex. M. 1 to M. 3. Ex. M. 5 is a Tuticorin Port Trust adaptation of rules and regulation 1979. Ex. M. 4 is the minutes of D. P. C. meeting held on 16-9-85. Ex. M. 6 is a minutes held on 27-9-85. Under Ex. M. 7 Chairman has issued an order regarding the proceedings to the D. P. C. Ex. M. 8 is a circular conducting for the examination for filling up for the post of Lower Division Clerk. The Raja Sabha Secretariate had sent a letter to the first respondent, that Rules and regulation have been violated in the promotion of Head Clerk and the same was pointed out to the committee which visited the 13-4-89. Ex. M. 9 is a letter by the Raja Sabha Secretariate Ex. M. 10 is a letter written by the Ministry of Surface Transport in reply to the letter Ex. M. 9. The subsequent letter M. 11 to M. 19 are the correspondence made between the Ministry of Surface Transport and the Raja Sabha Secretariate with the Chairman of the Tuticorin Port Trust about the illegal promotions.

13. The Departmental Promotion Committee was constituted to meet on 2-7-85 and selected 4 candidates. But the Chairman has not accepted the recommendation in full and he has agreed to take Sri Anantha Santha Kumar and P. M. Premavathy and has not taken into account of the 3 other persons by name K. Antony Srinivasan, and two others. There is no evidence on record to show about the recommendations of the two persons. Further more the D. P. C. is not recommended the name of P. Subramaniam. But the Chairman has issued the promotion order in favour of P. Subramaniam. There is also no evidence to show about the disagreement of recommendations of the D. P. C. July 1985. in so far as other candidates concerned.

14. Within two months another D. P. C. was constituted and the same was conducted for the selection of candidates during 16th and 27th September 1985. It is seen from the instruction given by the Ministry of Shipping that the D. P. C. is to be constituted and selected the candidates atleast once in year. But in this case the first D. P. C. was constituted in July 1985 and selected candidates. There is no reason recorded by the Chairman to disagree the recommendations in full and to keep the one post vacant so as to constitute another D. P. C. in the month of September 1985. The petitioner has stated that the committee of the Departmental Promotion to be constituted as per the regulation 1979. The Head of the Department and the Secretary were to be the member and other from in any one of the department are to be the members of the committee. But in this case the committee was not properly constituted and selected the candidates.

15. The Head Clerk post is to be filled up on promoting senior U. D. C. It seen from Ex. M. 4 the minutes of 16-9-85 D. P. C. and M. 6 D. P. C. dated 27-9-85 that there were 114 U. D. C. and 5 officiating U. D. Cs were available. It is also seen from the Ex. M. 6 which were added to the candidates for the outstanding and other qualifications. In the list Sri Muthappan stood as 100 in Number and Jeyakumar stood as 57 in number. The Junior Most U. D. Cs stood as 100 and 57 in the list were selected. The Head Clerk is the Senior most persons. The reasons have to be recorded for over looking the Senior Persons and also for appointing four Junior persons. The education and other qualifications are usually the same for the post of Head Clerk. Since they worked as U. D. Cs the only thing to be ascertained is to the capacity of supervision and their service. If the service are not satisfactory and they can be overlooked by the Chairman with necessary remarks. In

this case accepting some persons there are no materials available to over look the senior persons and promoting the Junior Persons. The constitution of the Second D. P. C. is irregular and the sole aim to promote Mr. Muthappan as Head Clerk. The Chairman has issued an appointment order to the persons concerned in the first D. P. C. only in the month of August 1985. The 3rd candidate Mr. P. Subramaniam was not selected by the first D. P. C. But he was also issued an appointment order. As soon as Mr. Muthappan was issued a promotion order all the 4 person services were regularised by an order dt. 5-10-85. Taking into consideration of the documents filed in the case I hold that the first departmental promotion committee which was constituted and met on 2-7-85 and the selection of candidates has to be accepted by the Chairman in full. There is no necessity for the Second D. P. C. to be constituted and conduct a meeting during 16-9-85 and 27-9-85 to select the candidates. The D. P. C. conducted in July 1985 has selected the candidates with merits. And hence I hold that Second D. P. C. which was constituted and its selection are invalid. I answer the point that the selection of Muthappan and Jeyakumar during the meeting of the D. P. Cs in the month of September 1985 is not justified.

Consequently the Seniors of Muthappan and Jeyakumar are entitled to the promotion of Head Clerk as per seniority.

16. In the result the petition is allowed that as per the list of the first Departmental Promotion Committee constituted in the month of July 1985 have to be appointed as Head Clerks and the promotion of Thiru M. Muthappan, Jeyakumar and P. Subramaniam are quashed. Both the parties have to bear their own costs.

Dictated to Shorthand writer transcribed by him, corrected and pronounced by me in Open Court this the 27th day of May 1993.

THIRU C. MURUGESANI, Presiding Officer

LIST OF WITNESSES EXAMINED

WORKER SIDE :

W.W. 1—Thiru A. Senthur pandi.

MANAGEMENT SIDE : 'NIL'

LIST OF EXHIBITS MARKED

BY THE WORKER SIDE :

Ex. W.1/3-2-1987—Copy of the Labour Ministry's letter to the Union.

Ex. W.2/6-2-1988—Copy of the letter written by the President of the Union to the Labour Ministry.

Ex. W.3/19-3-1988—Copy of the Labour Ministry's letter to the Union.

Ex. W.4/19-9-1988—Copy of the letter written by the Union to the Labour Ministry.

Ex. W.5/24-12-1980—Government order. Copy of extract of service Regulations of Chaudris compilation 1986 at page 546.

Ex. W.6/20-2-1990—Copy of Agenda placed before the Tuticorin Board of Trustees by the Chairman.

Ex. W.7/28-9-1985—Copy of promotion order of Shri M. Muthappan, U.D.C.

Ex. W.8/15-10-1985—Copy of intimation joining report of Shri M. Muthappan as Head Clerk.

Ex. W.9/7-11-1989—Copy of letter written by the Under Secretary, Raja Sabha Secretariate, Parliament of India to the Ministry of Surface Transport, New Delhi.

BY THE RESPONDENT :

- Ex. M.1/1-4-1979—Tuticorin Port Trust Employees (Recruitment, Seniority and Promotion) Regulations, 1979.
- Ex. M.2/1-4-1979—Tuticorin Port Trust Employees (Recruitment, Seniority and Promotion) Regulations, 1979.
- Ex. M.3/1-4-1979—Tuticorin Port Trust Employees (Recruitment, Seniority and Promotion) Regulations, 1979.
- Ex. M.4/16-9-1985—Minutes of the D.P.C. meeting.
- Ex. M.5/1-4-1979—Tuticorin Port Trust (Adoption of Rules) Regulations, 1979.
- Ex. M.6/27-9-1985—Minutes of the D.P.C. meeting.
- Ex. M.7/18-5-1989—Order of Chairman regarding Procedure to be observed by the D.P.C.
- Ex. M.8/19-9-1985—Circular regarding conducting competitive Examination for filling up of the post of L.D.C. by promotion on 28-9-85.
- Ex. M.9—Letter No. H-11011/3/89-PE.I, Dated 24-4-1989 received from Shri Thomas Mathew, Secretary, Ministry of Surface Transport.
- Ex. M.10—Letter No. H-11011/3/89-PE.I., dated 20-11-89, received from the Ministry of Surface Transport.
- Ex. M.11—Letter No. S-19/2/89-CDN. Vol. II, dated 22-1-90 addressed to the Secretary to the Government of India, Ministry of Surface Transport, New Delhi.
- Ex. M.12—D.O. Letter No. H-11011/3/89-PE.I, dated 19-10-1989, addressed to the Chairman, Tuticorin Port Trust by Shri S. N. Kakar, Joint Secretary, Ministry of Surface Transport.
- Ex. M.13—D.O. letter No. H-11011/3/89-PE. I., dated 25-8-1989, addressed to the Chairman, Tuticorin Port Trust by Shri Yogendra Narain, Joint Secretary, Ministry of Surface Transport.
- Ex. M.14—D.O. letter No. S-19/2/89-CDN, dated 22-9-1989, addressed to Shri Yogendra Narain, Joint Secretary, Ministry of Surface Transport, by the Chairman, Tuticorin Port Trust.
- Ex. M.15—D.O. letter No. H-11011/3/89-PE.I., dated 18/19-10-1989, addressed to the Chairman, Tuticorin Port Trust by Shri S. N. Kakar, Joint Secretary, Ministry of Surface Transport.
- Ex. M.16—Letter No. PW/PEO-54/85-PE.I, dated 13-6-1986 received from Shri Yogendra Narain, Joint Secretary, Ministry of Surface Transport.
- Ex. M.17—D.O. Letter No. S-5/15/86-IR, dated 30-6-86, addressed to Shri Yogendra Narain, Joint Secretary, Ministry of Surface Transport, by Shri K. A. Sundaram, Chairman, Tuticorin Port Trust.
- Ex. M.18—D.O. letter No. PW/PEO-54/85-PE.I., dated 3-9-86, addressed to Shri K. A. Sundaram, Chairman, Tuticorin Port Trust, by Shri Yogendra Narain, Joint Secretary, Ministry of Surface Transport.
- Ex. M.19—D.O. letter No. S-5/15//85-IR, dated 20-9-1986, addressed to Shri Yogendra Narain, Joint Secretary, Ministry of Surface Transport, by K. A. Sundaram, Chairman, Tuticorin Port Trust.

मई दिल्ली, 16 जून, 1993

के बीच, अनुबंध में निम्नलिखित शर्तों में केन्द्रीय सरकार औद्योगिक अधिकरण लेंबर कोर्ट नं. 2, बम्बई के पंचपट को प्रकाशित करता है, जो केन्द्रीय सरकार को 15-6-93 को प्राप्त हुआ था।

[संख्या एन-42012/72/90-आईआर(डीयू)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 16th June, 1993

S.O. 1505.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Department of Atomic Energy and their workmen, which was received by the Central Government on 15-6-1993.

[No. L-42012/72/90-IR(DU)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT :

Shri P. D. Apshankar, Presiding Officer

REFERENCE NO. CGIT-2/7 OF 1991

PARTIES :

Employers in Relation to the Management of Department of Atomic Energy

AND

Their Workmen.

APPEARANCES :

For the Employers : Shri B. M. Masurkar, Advocate.

For the Workman : Shri P. S. Varadappa, Advocate.

INDUSTRY : Atomic Energy.

STATE : Maharashtra

Bombay, dated the 19th May, 1993

AWARD

The Central Government by their Order No. L-42012/72/90-IR(DU) dated 4-2-1991 have referred the following Industrial Dispute to this Tribunal for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947.

“Whether the action of the employer of D.A.E., Construction and Service Group in terminating the services of Kum. Pushpa Arjun Karande, L.D.C. w.e.f. 10-3-89, is justified? If not, what relief the concerned workman is entitled to?”

2. The case of the said lady Kum. Pushpa Karande (after marriage named as Mrs. Pushpa Kamble) as disclosed from her statement of claim (Ex. 2) in short, is thus :

का.सा. 1505. —औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचि में, केन्द्रीय सरकार डिपार्टमेंट ऑफ एटॉमिक एनर्जी के प्रबंधन के पंचपट नियोजकों और उनके कर्मचारों

She was appointed as a Lower Division Clerk in the Construction and Services Group of the Department of Atomic Energy, Anushakti Nagar, Bombay from 9-5-1988 to 10-6-1988 by the letter of appointment dated 9-5-1988. Thereafter, she was offered the appointment of Tradesman 'A' w.e.f. 1-7-1988, and that appointment was for indefinite period, but her initial appointment was for a period of one year on probation. She was appointed in a clear vacancy, and on the completion of period of probation, she was deemed to be continued and confirmed in that post. As per the conditions contained in the letter of offer of appointment, she was made to contribute to the Contributory Provident Fund, which clearly shows that she was appointed in a clear vacancy and on permanent post subject to completion of her probation period of one year successfully. It was mentioned in the letter of offer of appointment that she would not apply to any other post without permission of the department, which shows that her appointment was in a clear vacancy and on a permanent post. She was also made to contribute to Central Health Services Scheme which also shows that her appointment was in a clear vacancy and on a permanent post. However, her services were terminated with effect from 10-3-1989. Her services were continuous from 29-6-1988 and they could not have been discontinued except for any misconduct, and that too, after following the rules of natural justice. Therefore, the termination of her services in the midst of her probationary period was unjust and illegal, and the action of the management in that respect is mala fide and illegal. The said lady, therefore, lastly prayed that this Tribunal should direct the management to reinstate her in service w.e.f. 10-3-1989 with full back wages and continuity of service.

3. The management by their written statement (Ex. 3) opposed the claim of the said lady, and in substance contended thus :

The office in question is not an Industrial Unit and as such, it does not fall within the purview of Industrial Disputes Act. This office is doing the agency functions of Construction of quarters, laboratories etc. entrusted by the Department of Atomic Energy, and all the staff members are governed under Civil Services Rules and Regulations, and any dispute arising therefrom does not come within the jurisdiction of Industrial Tribunal. The said lady was appointed as a L.D.C. for a specific period from 9-2-1989 to 10-3-1989 by the letter dated 17-2-1989. In that letter it was clearly mentioned that her appointment for that post was for a short leave vacancy and it did not confer any right on her to claim appointment against the regular post of L.D.C. That condition was accepted by the said lady prior to her

appointment from 9-2-1989 against a short term vacancy by the letter dated 9-5-1988. In that letter of appointment also it was clearly mentioned that her appointment did not confer any right upon her to claim appointment against the regular post of L.D.C. She had accordingly accepted that condition. She was appointed as Tradesman 'A' on fixed term basis for the period from 7-7-1988 to 31-8-1988 by the letter dated 12-7-1988. It is, therefore, not correct to say that she was appointed for an indefinite period from 1-7-1988 as Tradesman 'A'. Her services were discontinued during the period of probation as per the terms contained in the letter of her appointment.

4. The management further contended thus :

The management allows benefit of Contributory Provident Fund to a person appointed on fixed term basis. However, this is only a welfare measure introduced to enable a workman to get the Government contribution along with his contribution during the period of the fixed term appointment. However, the introduction of CPF benefit scheme does not itself confer on that workman any right for service for an indefinite period. The said lady was also required to give an undertaking that she will not apply for any post or scholarship without obtaining prior permission from the competent authority in writing. This means she was free to apply for any post after taking permission from the competent authority while she was in service of the management. The said lady was governed under the Contributory Health Service Scheme for medical benefits. This also did not confer upon her any right for permanent absorption in service. The services of the said lady were terminated after giving her due notice. The action of the management in terminating the services of said lady, who was appointed purely on temporary basis and for fixed term of services, is not unjust and illegal. Therefore, the management lastly prayed for rejection of the prayer of the said lady, and for upholding the action of the management in question.

5. The Issues framed at Ex. 4 are :

1. Whether the dispute in question does not amount to an industrial dispute ?
2. Whether this Central Government Industrial Tribunal has jurisdiction to entertain and decide the present reference ?
3. Whether the lady Miss Pushpa Karande was appointed on probation as a Tradesman 'A' in a clear vacancy from 1-7-1988 ?
4. Whether the action of the employer of D.A.E., Construction and Services Group in terminating the services of Kum. Pushpa Arjun Karande, L.D.C. with effect from 10-3-1989, is justified ?

5. If not, what relief the concerned workman is entitled to ?
6. What Award ?
6. My findings on the said Issues are :
 1. Amounts to an industrial dispute.
 2. Yes.
 3. No, appointed on temporary basis for a fixed period only.
 4. Yes.
 5. Nil
 6. Award as per below.

REASONS

ISSUES Nos. 1 & 2

7. The lady Pushpa Karande filed her affidavit (Ex. 18) in support of her case, and she was cross examined on behalf of the management. No oral evidence was led on behalf of the management.

8. The management in their written statement (Ex. 3) in para 1 contended thus :

"At the outset it may be clarified that this office is not an Industrial Unit, and as such it does not fall within the purview of Industrial Disputes Act. This office is doing the agency functions of construction of quarters, laboratories, etc. entrusted by the Department of Atomic Energy, and all the staff members whether regular, workcharged or fixed term basis are governed under Civil Services Rules and Regulations and any dispute arising therefrom does not come within the jurisdiction of Industrial Tribunal."

However, the Government of India issued Notification on 12-8-1992 thus :

"In pursuance of sub-clause (i) of clause (a) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby specifies, for the purposes of that sub-clause, the controlled industry engaged in the manufacturing or production of Atomic Energy which is controlled by the Central Government under section 3 of the Atomic Energy Act, 1962."

Even though this Notification has been issued in 1992, I find that even at the material period i.e. in 1988 the office in question was and is an industry within the meaning of section 2 (j) of the Industrial Disputes Act, that the appropriate Government in the matter is the Central Government, and as such an Industrial Dispute existed between the parties, and the Central Government Industrial Tribunal No. 2, Bombay, has the jurisdiction in the matter. Issues Nos. 1 and 2 are therefore found accordingly.

ISSUES Nos. 3, 4 & 5 :

9. The various documents produced by the management clearly show that the said lady was appointed

from time to time purely on temporary basis, and only for a fixed period of service, and that she was not appointed on regular and permanent basis. Ex. 5 is the Memorandum (letter) dated 9-5-1988 appointing the said lady as a L.D.C. from 9-5-1988 to 10-6-1988. This letter clearly stated that she was appointed in Construction and Services Group, Department of Atomic Energy in a purely temporary capacity against short term vacancy subject to condition that her services were liable to be terminated without any notice even earlier, when no longer required. She was further informed by that letter that her appointment against short term vacancy would not confer any right upon her to claim appointment against the regular post of Lower Division Clerk which might fall vacant in the office in future. Ex. 6 is a letter regarding the offer of appointment in C&S Group, dated 29-6-1988 by the Assistant Personnel Officer of the management. This letter regarding the offer stated thus :

"You are offered the appointment to the post of Tradesman 'A' on the following terms and conditions :—

This appointment will be only upto 31-8-1988 on which date your services will stand terminated.

You will be on probation for a period of one year from the date of your appointment which may be extended at the discretion of the competent authority. During the probationary period your services are liable to be terminated without notice and without assigning any reason therefor, and you also can resign without assigning any reasons."

Therefore, it is thus quite clear from the above said letter regarding the offer of appointment to the post of Tradesman 'A' that her appointment was not to be regular and continuous one, but was to be temporary only for a fixed period.

10. The above said letter regarding the offer of appointment (Ex. 6) further stated that :

"You are required to join the Contributory Provident Fund (India) from the date of your appointment.

You should give undertaking that you will not apply for any post or scholarship fellowship or appear for any competitive examination without obtaining prior permission from the competent authority in writing."

She was also to get the benefit of the Central Government Health Scheme while in service. Therefore, according to the workman, in view of the said conditions appearing in the said letter regarding offer of appointment, her service was to be a regular and permanent one. However, I find that these conditions do not confer the status of the regular and permanent employee upon that lady in view of the other conditions, as above, in the said letter stating that her appointment was to be purely temporary and only for a fixed period.

11. Ex. 7 is the letter dated 16/7-2-1989 appointing that lady as a Lower Division Clerk from 9-2-1989 to 10-3-1989. This letter also stated that

her appointment for the said period was against a short term vacancy subject to the condition that her services were liable to be terminated without any notice even earlier, when no longer required. She was further informed by that letter that her appointment against short term leave vacancy would not confer any right on her to claim appointment against the regular post of Lower Division Clerk which might fall vacant in this office in future. The services of the said lady were terminated w.e.f. 10-3-1989. It is thus quite clear from the said letter dated 16/17-2-1989 that her appointment was not a regular and continuous one, but was only for a fixed period upto 10-3-1989. Ex. 8 is the joining report of that lady. In that report she clearly stated that, "I am joining duty today, i.e., from the forenoon 9-2-1989 to 10-3-1989. I am aware that the appointment is purely on ad-hoc basis and I will not claim any right for appointment on regular basis."

12. Ex. 10 is the joining report of the said lady when she joined her duty on 9-5-1988. In that joining report she clearly stated that she is aware that her appointment was purely on ad-hoc basis, and that she would not claim any right for appointment on regular basis. Ex. 11 is the letter dated 12-7-1988 appointing the said lady as a Tradesman 'A' from 7-7-1988 to 31-8-1988. As such it is quite clear from this letter that her appointment was only for a fixed period, and not a regular and permanent one. Ex. 21 is the Memorandum dated 8-8-1988 according to approval for the continuation of service of the said lady for a further period of 3 months from 1-9-1988 to 30-11-1988. As such, her appointment was only on fixed term basis, and not a continuous and permanent one. Ex. 14 is the Order dated 8-11-1988 terminating the services of the said lady from 30-11-1988. This also shows that her appointment was on fixed term basis and not on permanent and regular basis. Ex. 15 is the letter dated 26-2-1988 for the post of Tradesman 'A'. This letter also stated that her appointment on that post was to be only a fixed term appointment. Ex. 20 is the joining report of the said lady joining her duty from 9-5-1988. In this joining report also, she clearly stated that she was aware that her appointment was purely on ad-hoc basis, and that she would not claim any right for appointment on regular basis. Ex. 24 is the joining report of the said lady when she joined her duty for the period of 9-2-1989 to 10-3-1989. In this joining report also, she clearly stated that she was aware that her appointment was purely on ad-hoc basis and that she would not claim any appointment on regular basis. The services of the said lady were terminated with effect from 10-3-1989. As her appointment was only for the fixed period of 9-2-1989 to 10-3-1989 the action of the management in terminating the services of that lady with effect from 10-3-1989, cannot be considered as unjust and illegal. Issues Nos. 3, 4 and 5 are therefore found accordingly.

13. Eventhough the action of the management in terminating the services of the said lady w.e.f. 10-3-1989 is held and found as just and legal, the management may consider to appoint the said lady as a fresh employee, if permissible under rules. This is only a suggestion, and not the direction.

14. In the result, the following Award is passed :
AWARD

The action of the management of Department of Atomic Energy, Construction and Service Group, in terminating the services of Kum. Pushpa Arjun Karande, Lower Division Clerk, w.e.f. 10-3-1989, is just, proper and legal.

The parties to bear their own costs of this reference.

P. D. APSHANKAR, Presiding Officer

नई दिल्ली, 16 जून, 1993

का.मा. 1506—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पश्चिमी रेलवे, बम्बई के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण लैबर कोर्ट नं. 2, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-6-93 को प्राप्त हुआ था।

[संख्या एल-41012/21/91-आईआर(डीयू)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 16th June, 1993

S.O. 1506.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Railway, Bombay, and their workmen, which was received by the Central Government on 15-6-93.

[No. L-41012/21/91-IR(DU)]

B. M. DAVID, Desk Officer
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT :

Shri P. D. Apsbankar.—Presiding Officer.

Reference No. CGIT-2/45 of 1991

PARTIES :

Employers in relation to the management of
Western Railway, Bombay.

AND

Their workmen.

APPEARANCES

For the Employers.—No appearance.

For the Workmen.—Shri M. B. Anchan, Advocate.

INDUSTRY : Railways. STATE : Maharashtra.

Bombay, dated the 24th May, 1993

AWARD

The Central Government by their Order No. L-41012/21/91-IR(DU) dated 28/30-10-1991 have referred the following industrial dispute to this Tribunal for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947.

"Whether the action of the management of Western Railway, Bombay, in terminating the services of Shri Nandkumar R. Huddar, Casual Labour, Khalasi, is justified? If not, what relief he is entitled to?"

2. The case of the said workman as disclosed from the statement of claim (Ex. W/2) filed on his behalf by the Divisional Secretary, Pashchim Railway Karamchari Parishad, in short, is thus :

The workman Shri Nandkumar R. Huddar was appointed as a casual Labour (Khalasi) by the Additional Chief Mechanical Engineer, Western Railway Workshop at Lower Parel, 24-7-1981. Since then he was in continuous service in the said post. On completion of the modernisation work of the Workshop, all the Casual Labourers engaged for the said work were directed to the Divisional Railway Manager, Western Railway, Bombay Central, for regular absorption. Since the said workman was over-aged, according to the Divisional Railway Manager, he was redirected to the Workshop for further action. The Chief Works Manager did not, however, take any action to relax the age limit and as such, the said workman could not be absorbed, and his services were terminated without any notice and without payment of any retrenchment compensation to him. As the said termination of the service was illegal and invalid, the workman requested the management to reinstate him in service. However, his request was not granted by the management. Hence the said union raised an industrial dispute before the Assistant Labour Commissioner (Central), Bombay. As the conciliation proceedings ended in failure, the Central Government made the reference as above.

3. The said union further alleged thus :

The said workman was in continuous service from 24-7-1981 to 28-2-1985 and had completed the continuous service of more than 240 days in a year. As per the Indian Railway Establishment Rules, a casual labourer attains the status of the temporary workman, if he has put in services of 120 days continuously. Once he has attained the status of the temporary workman, the notice is necessary from the management before terminating his services. Such notice was not given in the present case. As such termination of service of the said workman is illegal and invalid. The provisions of Section 25F of the Industrial Disputes Act were not complied in present case before the termination of the services of the said workman. The said workman had completed more than 3-1/2 years of services at the time of termination of his services. On the basis of the instructions contained in the Railway Board's letter dated 16-5-1979, the Railway administration would have relaxed the age limit of the said workman, and

could have absorbed him in service. The provisions of Section 25N of the Industrial Disputes Act were not complied in the present case. The union, therefore, lastly prayed that this Tribunal should hold the action of the management in terminating the services of the said workman as invalid and illegal, and should direct the Railway management to reinstate the said workman in service with full back wages and continuity of service.

4. The said union filed its statement of claim on 27-5-1992. Thereafter the matter was adjourned from time to time for filing the necessary written statement by the Railway management. However, the management did not file its written statement till 1-12-1992. Hence, the workman filed his affidavit (Ex. W/3) in support of his claim. Thereafter the matter was adjourned for passing the necessary award in the matter.

5. However, on 2-12-1992 the advocate for the management appeared before this Tribunal and filed an application to allow him to file the necessary written statement within four weeks. Accordingly the award was not passed, and the matter was adjourned for filing the written statement by the management. Thereafter even through the period of 5-1/2 months elapsed, the management did not file any written statement, even though the case was adjourned from time to time to enable the management to file their written statement in the matter. The management had remained absent on 20-5-1993, and as such no written statement has been filed in the present matter till today even though the statement of claim was filed by the union on 27-5-1992.

6. As noted above, the said workman Shri Nandkumar R. Huddar filed his affidavit (Ex. W/3) in support of his case. As the management remained absent, and as no written statement has been filed on behalf of the management, I see no reason to disbelieve any of the statements made by the workman in his affidavit. From his statement of claim and his affidavit, I find that the said workman was in continuous service from 24-7-1981 to 28-2-1985, i.e. for more than 3-1/2 years. As such, the necessary notice as contemplated under Section 25F of Industrial Disputes Act by the management to the workman was necessary. However, no such notice was given to him, and necessary retrenchment compensation has also not been paid to him before the termination of the service w.e.f. 28-2-1985. Therefore, the termination of service of the said workman is illegal and invalid and the workman is entitled to reinstatement in service with full back wages and the continuity of service.

7. The following award is therefore passed

AWARD

The action of the management of Western Railway, Bombay, in terminating the services of Shri Nandkumar R. Huddar, Casual Labour, Khalasi is not just, legal, and proper.

The Railway management is hereby directed to reinstate the said workman in service with

full back wages and continuity of service w.e.f. 28-2-1985.

P. D. APSHANKAR, Presiding Officer.

नई दिल्ली, 16 जून, 1993

का.सा. 1507. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीकम्यूनिकेशन डिपार्टमेंट के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण लैबर कोर्ट, चंडीगढ़ के पंचद को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-6-93 को प्राप्त हुआ था।

[संख्या एन-40012/18/89-डी-II (बी)]

बी.एम. डैविड, डेस्क अधिकारी

New Delhi, the 16th June, 1993

S.O. 1507.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecommunication Department and their workmen, which was received by the Central Government on 15-6-93.

[No. L-40012/18/89-D.II(B)]

B. M. DAVID, Desk Officer.

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 206/89

DHARAM PAL Vs. TELECOMMUNICATION DEPARTMENT

For the workman : Shri N. P. Mittal.

For the management : Shri Arun Walia.

AWARD

Central Government vide Gazette notification No. L-40012/18/89-D.D-2(B) dated 11th December 1989 issued U/S. 10(1)(d) of the I.D. Act 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the telecommunication District Engineer, Rohtak in terminating the services of Shri Dharam Pal son of Shri Govind Lal casual worker w.e.f. 23rd September, 1988 is justified, fair and legal? If not to what relief the worker concerned is entitled to?”

2. It has been alleged in the statement of claim that he was inducted as daily rate casual Mazdoor in the respondent's department on 1-6-1985 and was allowed to continue as casual Mazdoor till 22-9-88 and has completed 1001 days till 22-9-88. His services were terminated without any reason. His

services were terminated orally, illegally, arbitrarily without serving any show cause notice. It is further alleged that management has not complied with the provisions of Section 25-F at the time of termination of his services as he had completed 240 days. It is further pleaded that after the termination of the workman inducting junior persons as daily rated casual mazdoor by ignoring the claim of the workman is again illegal and bad in law. Petitioner raised the demand notice. The management did not agree for amicable settlement, therefore, the Ministry referred the case for adjudication. It is further pleaded that his termination is in utter violation of the law laid down by the Supreme Court. It is further pleaded that on completion of 240 days he would be entitled to the provisions of Chapter V(A) of the I.D. Act 1947 and his services can not be dispensed with without following the procedure of Chapter V(A). He also relied the case of Piara Singh and claim regularisation. It is also pleaded that his termination is bad in the eye of law and prayed for reinstatement with all consequential benefits, all the arrears of pay and other attendant benefits.

3. The management in their written statement has taken the stand that the petitioners had joined in June 1986 and worked up to September, 1988. He has worked for 1028 days in the whole period. Further plea has been taken that development work for which the petitioner was engaged was completed and all the development work was to be carried through contractor and no fresh labourer was to be recruited for the work and the labour engaged after 1985 was not to be kept on muster roll. It is further pleaded that no junior person to the petitioner was engaged.

4. Replication was also filed reasserting the claim made in the claim statement.

5. The petitioner in support of his case produced himself as WW1. He filed his affidavit Ex. W1 and additional affidavit Ex. W1A. In additional affidavit the plea has been taken that that juniors are still working and one Sukhbir Singh who was removed from service in 1982 was reinducted by SDO.T in 1988. The management produced Shri Mahak Singh as MW1. He filed his affidavit Ex. M1. The workman got proved the documents Ex. W2/A, W2/B and W3. The management in additional evidence tender document Ex. M2 showing number of days put in by the workman and closed their case.

6. I have heard both the parties, gone through the evidence and record.

7. Counsel appearing on behalf of the workman has argued that during the period of 12 calendar months preceding date of retrenchment i.e. 22-9-1988 has completed 240 days and the management has not complied with the provisions of Section 25-F of the I.D. Act 1947 and the petitioner is entitled to reinstatement with full back wages. There is no force in this contention. Chart of the number of days put in by the workman has been filed by the management in additional evidence as Ex. M2 in which only number of days put in by the petitioner up to January 1988 has been shown. However, the petitioner has also relied on certificates filed alongwith statement of claim showing number of days put in by him. Both documents Ex. M1 and the certificates

relied by the petitioner if seen collectively the petitioner does not complete 240 days preceding 12 calendar months to the date of his termination. The number of days put in by him is detailed below :

September 1988 :	10 days
August :	Nil
July :	10 days
June :	20 days
May :	Nil
April :	Nil
March :	Nil
February :	27 days
January :	31 days
December 1987 :	31 days
November 1987 :	30 days
October :	31 days
	<hr/> 190 days. <hr/>

Thus period of 12 calendar months preceding September 1988 the petitioner had worked for 190 days only. Stereotype statement made by MW1 Mahak Singh that he had worked for 229 days in which holidays are not included cannot be accepted being contrary to the documentary evidence. Thus since the petitioner has not completed 240 days, provisions of Section 25F does not attract in the present case.

The petitioner has failed to prove the violation of Section 25G and 25H of the I.D. Act, 1947. In relation to violation of Section 25H he has pleaded that one Sukhbir Singh inducted in 1988 and is still working. The petitioner himself in his additional affidavit Ex. W1/A has stated that Sukhbir Singh was removed in 1982, if that is so, then Sukhbir Singh certainly has prior preference than the petitioner as he had already with the respondent management since 1982 although the petitioner was appointed in 1986. The petitioner has also referred the statement of Mahak Singh MW1 who has admitted that subsequently the workers have been employed through contractor for the work undertaken by the telecommunication department for the purpose of maintenance. Counsel for the petitioner has pointed out that the management has violated the provisions of Section 25H of the I.D. Act. There is no force in this contention. Subsequent employment of the workers through contractor does not attract the violation of Section 25H as there is no dispute that provisions of Contract Labour Act are applicable to the organisations like respondent. If the respondent intends to employ contractor, any violation if there be of the Contract Labour Act at the hands of the respondent management is punishable under the said Act but the same does not violate any provision of I.D. Act, 1947. The ratio laid down in AIR 1992 Supreme Court page 457 Dina Nath Vs. National Fertilizer is followed.

9. In relation to the violation of Section 25G of the I.D. Act, the reference has been made to Ex. W2/A and W2/B. There are two annexures in the communication Ex. W2 dated 30-12-1986 written by S.D.O. Telecommunication, Sonapat to Employment Officer, Sonapat. The said annexures are no help to the petitioner because no date of employment has been shown to each workman. The petitioner claims Ram

Naresh Narinder Pandey, Anil Kumar, Sita Ram, Suraj Bhan, Swami Nath Dharam Vir and Sukhbir junior to him have been retained. However in the affidavit of the management's witness Mahak Singh, their date of engagement are prior to 1-6-1985 on the date the petitioner was engaged. Therefore, they are senior to the petitioner. The petitioner has not contravened this stand in the cross-examination of the management's witness. Therefore, the petitioner has failed to establish the violation of Section 25G of the I.D. Act, 1947.

10. In view of the discussion made in the earlier paras the management has not violated any provisions of I.D. Act and the petitioner is not entitled to any relief whatsoever. The reference is dismissed and returned to the Ministry.

Chandigarh : 27-5-93.

ARVIND KUMAR, Presiding Officer.

नई दिल्ली, 16 जून 1993

का.प्र. 1508-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्र सरकार टेलीकम्युनिकेशन, डिपार्टमेंट के प्रबन्धन के संबंध में निदेशों और उनके कर्मचारियों के बीच, अनुबंध से निरिष्ट औद्योगिक विवाद में केन्द्र सरकार औद्योगिक प्रबन्धन निदेश कोर्ट, चंडीगढ़ के पंचपट को प्रकाशित करता है, जो केन्द्र सरकार को 15-6-93 को प्राप्त हुआ था।

[सूचना एन-40012/14/89-डो-II (बी)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 16th June, 1993

S.O. 1508.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecommunication Deptt. and their workmen, which was received by the Central Government on 15-6-1993.

[No. L-40012/14/89-D.II(B)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVT., INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH.

Case No. I.D. 170/89

Surendera : Vs. Telecommunication Deptt.

For the workman : Shri N. P. Mittal.

For the management : Shri Arun Walla

AWARD

Central Govt. vide Gazette Notification No. L-40012/14/89-D.2(B) dated 23rd October, 1989 issued u/s 10(1)(d) of the I.D. Act, 1947 referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the Telecommunication, District Engineer, Rohtak in terminating

the services of Shri Surender son of Shri Bhura Singh casual worker w.e.f. 21-5-1987 is justified, fair and legal. If not to what relief the worker concerned is entitled ?”

2. It has been alleged in the statement of claim that he was inducted as daily rated casual mazdoor at Bhiwani w.e.f. 9-2-1986 through employment exchange and was allowed to work for 18 days during the said month and was allowed to continue to work as casual mazdoor up to 30-6-1986. It is further alleged that he was again inducted during January 1987 and was allowed to continue till May 1987 and again laid off by using unfair labour practice. It is again pointed out that the petitioner was again inducted in February 1988 and again worked for 25 days during the said month but the respondent management had added only five days in the personal record of the workman in the muster roll. It is further alleged that action of the management is in utter violation of the provisions of Section 25-F of the I.D. Act, 1947 since the petitioner had completed 240 days. It is further alleged that his services which was terminated on 22-5-1987 was only a oral termination without serving any show cause notice although he had completed 240 days by the said period. It is further pleaded that after his termination management inducted junior person as daily rated casual mazdoor by ignoring the claim of the workman is illegal and bad in law. Petitioner raised the demand notice. The management did not agree for amicable settlement, therefore, the Ministry referred the case for adjudication. It is further pleaded that his termination is in utter violation of the law laid down by the Supreme Court. It is further pleaded that on completion of 240 days he would be entitled to the provisions of Chapter V(A) of the I.D. Act, 1947 and his services cannot be dispensed with without following the procedure of Chapter V(A). He also relied the case of Piara Singh and claims regularisation. It is also pleaded that his termination is bad in the eye of law and prayed for reinstatement with all consequential benefits, all arrears of pay and other attendant benefits.

3. The management in their written statement has taken the stand that expansion work for which the petitioner was employed had completed and after that all the developmental work was carried out through contractor and the services of the petitioner was no more required. It is further pleaded that no junior to the applicant was engaged. It is further pleaded that initially the petitioner had worked from February 1986 to June 1986 for 96 days. The petitioner again joined the work in January 1987 and worked for 128 days up to May 1987. He worked only for five days in February 1988. The petitioner was not laid off from July 1986 to December 1986, as alleged by the petitioner. He had not completed 240 days preceding 12 months and prayed for dismissal of the reference.

3. Replication was also filed reasserting the claim made in the claim statement.

4. The petitioner in support of his case produced himself as WW1. He filed his affidavit Ex. W1 and additional affidavit Ex. W1A. In additional affidavit

the plea has been taken that juniors are still working and one Sukhbir Singh who was removed from service in 1982 was reinducted by S.D.O.T., Sonapat in 1988. The management produced Shri Mahak Singh as MW1. He filed his affidavit Ex. M1. The workmen got proved the documents Ex. W2, W2A, W2B and W3.

6. I have heard both the parties, gone through the evidence and record.

7. Counsel appearing on behalf of the workman has argued that during the period of 12 calendar months preceding date of reemployment, i.e. 22-5-1987 he has completed 240 days and the management has not complied with the provisions of Section 25-F of I.D. Act, 1947 and the petitioner is entitled to reinstatement with full back wages. There is no force in this contention. The petitioner had worked with the respdt. management on first occasion from 9-2-1986 to 30-6-1986. According to the management he had only worked for 96 days. The second term, January 1987 till 22-5-1987 which is under reference. The petitioner has also attached chart of the number of days put in alongwith the claim statement (which is not exhibited) in which he has shown to have worked during 5/87 for 17 days, 4/87 for 29 days, 3/87 for 27 days, 2/87 for 27 days and 1/87 for 28 days. He had not worked at all during December 1986 to July 1986. Again he has shown to have worked for 21 days in June 1986. The said detail of the number of days have been given alongwith muster roll number and W.O. number. Thus during the period of 12 calendar months preceding May 1987 the petitioner had not worked for more than 240 days. He only worked for 149 days. The stereotype statement made by MW1 Mahak Singh that he had worked 229 days in which holiday are not included cannot be accepted being contrary to the documentary evidence. Thus the management has not violated the provisions of Section 25F of the I.D. Act before terminating the services of the petitioner.

8. The petitioner has failed to prove the violation of Section 25G and 25H of the I.D. Act, 1947. In relation to the violation of Section 25-H he has pleaded that one Sukhbir Singh inducted in 1988 and is still working. The petitioner himself in his additional affidavit Ex. W1A has stated that Sukhbir Singh was removed in 1982, if that is so, then Sukhbir Singh certainly has prior preference than the petitioner as he had already with the respdt. management since 1982 although the petitioner was appointed in 1986. The petitioner has also referred the statement of Mahak Singh MW1 who has admitted that subsequently the workers have been employed through contractor for the work undertaken by the telecommunication department for the purpose of maintenance. Counsel for the petitioner had pointed out that the management has violated the provisions of Section 25-H of the I.D. Act. There is no force in this contention. Subsequent employment of the workers through contractor does not attract the violation of Section 25-H as there is no dispute that provisions of Contract Labour Act is applicable to the organisations like respdt. If the respdt. intends to employ contractor, any violation if there be of the

Contract Labour Act at the hands of the respdt. management is punishable under the said Act, but the same does not violate any provisions of I.D. Act. The ratio laid down in A.I.R. 1992 Supreme Court page 457 Dinu Nath Vs. National Fertilizers is followed.

9. In relation to the violation of Section 25-G of the I.D. Act, the reference has been made to W2/A and W2/B. These are the annexures in the communication Ex. W2 datd 30-12-1986 written by S.D.O. Telecommunication Sonapat to Employment Officer Sonapat. The said annexures are no help to the petitioner because no date of employment has been shown to each workman. The petitioner claims Sita Ram, Suraj Bhan, Anil Kumar, Swami Nath and Sukhbir Junior to him have been retained. He ever in the affidavit of the management witness Mahak Singh their date of engagement are prior to 9-2-1986 on the petitioner was engaged. Therefore, they are senior to the petitioner. The petitioner has not contraverted this stand in the cross-examination of the management's witness. Thus, the petitioner has failed to establish the violation of Section 25G of the I.D. Act 1947.

10. In view of the discussion made in the earlier paras, the petitioner has failed to prove the violation of Section 25-F, 25-G and 25-H of the I.D. Act. The petitioner is not entitled to any relief. The reference is dismissed and returned to the Ministry.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 16 जून, 1993

का.प्र. 1509--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलेकम्यूनिकेशन के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण लैबर कोर्ट, चंडीगढ़ के पक्षों को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-6-93 को प्राप्त हुआ था।

[संख्या एन-40012/16/89-जी-II (बी)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 16th June, 1993

S.O. 1509.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure, the industrial dispute between the employers in relation to the management of Telecommunication and their workmen, which was received by the Central Government on 15-6-93.

[No. L-40012/16/89-B.II(B)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVT., INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 172/89

Rameshwar Vs. Telecommunication

For the workman : Shri N. P. Mittal.

For the management : Shri Arun Walia

AWARD

Central Govt. vide gazette notification No. L-40012/16/89-D-2(B) dated the 23rd October 1989 issued U/S10(1)(d) of the I.D. Act 1947 referred the following dispute to this Tribunal for adjudication

"Whether the action of the telecommunication District Engineer, Rohtak in terminating the services of Shri Rameshwar son of Shri Neki Ram, casual worker w.e.f. 1-7-1988 is just, fair and legal? If not to what relief the worker concerned is entitled to?"

2. In the statement of claim it has been alleged that he was inducted daily rated casual mazdoor at Sonapat w.e.f. 9-7-1986 through employment exchange. He was allowed to continue working as casual mazdoor up to 30-6-1988. He worked up to 29-2-1988 for 525 days and completed 6.47 days as on 30-6-1988. It is further alleged that during the entire period from 9-7-1986 to 30-6-1988 he performed his duties with responsibility, diligently, intelligently and to the entire satisfaction of his superiors. It is further alleged that all of sudden his services were terminated on 1-7-1988 without assigning any reason and his termination was merely a oral termination. No show cause notice or pay in lieu of notice was given. It is further alleged that he had completed 240 days and the management had not complied with the provisions of Section 25-F of the I.D. Act before terminating his services. It is further pleaded that after his termination the management had inducted much junior persons by ignoring the claim of the petitioner, which is illegal and in law. Petitioner raised the demand notice. The management did not agree for amicable settlement, therefore, the Ministry referred the case for adjudication. It is further pleaded that his termination is in utter violation of the law laid down by the Supreme Court. It is further pleaded that on completion of 240 days he would be entitled to the provisions of Chapter V(A) of the I.D. Act 1947 and his services cannot be dispensed with without following the procedure of Chapter V(A). He also relied the case of Piara Singh and claims regularisation. It is also pleaded that his termination is bad in the eye of law and prayed for reinstatement with all consequential benefits, all arrears of pay and other attendant benefits.

3. The management in their written statement has taken the stand that the petitioner had worked from July 1986 to February 1988 and completed 525 days and thereafter petitioner left the job at his own will. Further stand of the management is that the petitioner again worked for 14 days in June 1988 and again left. It is further pleaded that the management did not give any break in the services of the petitioner from March 1988 to May 1988. Further plea of the management is that the petitioner had not completed 240 days preceding 12 calendar months from June 1988. It is further pleaded that since the petitioner

had left his own he is not entitled to the provisions of Section 25-F and also he has not completed 240 days. It is further pleaded that no junior person has been engaged/retained by the respdt. in service. Further plea of the management is that development work for which the petitioner was engaged was completed and further development work is to be carried out on contract basis and no fresh labour is being engaged & prayed for the dismissal of the reference.

3. Replication was also filed reasserting the claim made in the claim statement.

4. The petitioner in support of his case produced himself as WW1. He filed his affidavit Ex. W1 and additional affidavit Ex. W1/A. In additional affidavit Ex. W1/A plea has been taken that junior by the name of Sukhbir is still working who was removed from service in 1982 and was reinducted in the year 1988 by the S.D.O. Telephone Sonapat. The management produced Mr. Mahak Singh MW1. He filed his affidavit Ex. M1. Workman got proved the documents Ex. W2, W2/A, W2/B and W3. The management in additional evidence tender documents Ex. M2 showing number of days put in by the workman and closed their case.

5. I have heard both the parties, gone through the evidence and record.

6. Counsel appearing on behalf of the workman has argued that in the proceeding 12 calendar months the petitioner had completed 240 days on the date of termination. The management had not complied with the provisions of Section 25-F of the I.D. Act before terminating the services of the workman and thus he is entitled to reinstatement with full back wages. I do not find force in this contention. The petitioner attached chart of number of days put in alongwith the statement of claim (not exhibited). The management has also filed chart showing number of days put in by the petitioner Ex. M2. Both charts of similar nature except management in their chart has not shown number of days put in by the petitioner in February 1988 and June 1988 which are being reflected in the chart attached by the petitioner alongwith the statement of claim. After perusing the petitioner's chart conclusion can be drawn that the petitioner had worked for 14 days in June 1988. The petitioner had not worked in the month of May, April and March 1988. In February 1988 he has put in 29 days; January 1988 31 days; December 1987, 31 days; November 1987, 30 days; October 1987, 15 days; Sep. 1987, 9 days; August 1987, 30 days; and July 1987, 31 days. In all the petitioner had worked for 220 days precedings 12 calendar months from June 1988 and has not completed 240 days to attract the provisions of Section 25-F of the I.D. Act 1947. Stereotype statement made by MW1 Mahak Singh that he had worked for 229 days in which holidays are not included can not be accepted being contrary to the documentary evidence. Thus the management has not violated the provisions of Section 25-F of the I.D. Act before terminating the services of the petitioner.

The petitioner has failed to prove the violation of Section 25-H of the I.D. Act. In relation to the violation of Section 25-H he has pleaded that one

Sukhbir was inducted in 1988 and is still working. The petitioner himself in his affidavit Ex. W1/A has stated that Sukhbir was removed in the year 1982, if that is so, then Sukhbir Singh certainly has prior preference than the petitioner as he had already with the respdt. management since 1982 although the petitioner was appointed in 1986. Mahak Singh witness in the affidavit has admitted that said Sukhbir Singh was initially appointed in April 1973. The petitioner has not contraverted this statement in the cross-examination of the management's witness. The petitioner has also referred the statement of Mahak Singh MW1 who has admitted that subsequently the workers have been employed through contractor for the work undertaken by the telecommunication department for the purpose of maintenance. Counsel for the petitioner has pointed out that the management has violated the provisions of Section 25-H of the I.D. Act. There is no force in this contention. Subsequent employment of the workers through contractor does not attract the violation of Section 25-H as there is no dispute that provisions of Contract Labour Act is applicable to the organisations like Respdt. If the Respdt. intends to employ contractor, any violation, if there be, of the Contract Labour Act at the hands of the respdt. management is punishable under the said Act, but the same does not violate any provisions of I.D. Act. The ratio laid down in AIR 1992 Supreme Court page 457 Dina Nath Vs. National Fertilizers is followed.

In view of the discussion made in the earlier paras, the petitioner has failed to prove any violation of Section 25-F and 25-H of the I.D. Act 1947. The petitioner is not entitled to any relief. The reference is dismissed and returned to the Ministry. Chandigarh. 31-5-93

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 16 जून, 1993

का. आ. 1510.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीकम्यूनिकेशन के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कार्यों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण लैबर कोर्ट, चांडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-6-93 को प्राप्त हुआ था।

[सं. एल-40012/19/89-डो. II(बी)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 16th June, 1993

S.O. 1510.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecommunication and their workmen, which was received by the Central Government on 15-6-93.

[No. L-40012/19/89-D.II(B)]
B. M. DAVID, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING
OFFICER, CENTRAL GOVT., INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
CHANDIGARH

Case No. 203/89

Ram Pal Vs. Telecommunication

For the workman : Shri N. P. Mittal

For the management : Shri Arun Walia

AWARD

Central Govt. vide gazette notification No. L-40012/19/89-D.2(B) dated 5th December, 1989 issued U/S 10(1)(d) of the I.D. Act 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the telecommunication, District Engineer, Rohtak in terminating the services of Shri Ram Pal son of Shri Thamboo Ram casual workman w.e.f. 30-6-1988 is justified, and legal ? If not to what relief the worker concerned is entitled ?"

2. It has been alleged in the statement of claim that he was inducted as daily rated casual mazdoor at Sonapat through employment exchange w.e.f. 1-12-1985. He was allowed to continue till 30-6-1988. He had worked for 751 days from 1-12-1985 to 30-6-1988. During the entire period the petitioner had been performing his duties with responsibility and intelligently to the satisfaction of his superior. It is further pleaded that during the said period he had worked continuously except from March 1988 to May 1988. It is further alleged that his services were illegally terminated on 1-7-1988 without assigning any reasons. The termination was oral, without any show cause notice and pay in lieu of notice. It is further alleged that his services were terminated without following the provisions of Section 25-F of the I.D. Act 1947 although he had completed more than 240 days. It is further pleaded that after his termination management inducted junior persons as daily rate casual mazdoor ignoring the claim of the workman, which is illegal and bad in law. Petitioner raised the demand notice. The management did not agree for amicable settlement, therefore, the Ministry referred the case for adjudication. It is further pleaded that his termination is in utter violation of the law laid down by the Supreme Court. It is further pleaded that on completion of 240 days he would be entitled to the provisions of Chapter V(A) of the I.D. Act 1947 and his services can not be dispensed with without following the procedure of Chapter V(A). He also relied the case of Piara Singh and claim regularisation. It is also pleaded that his termination is bad in the eye of law and prayed for reinstatement with all consequential benefits, all arrears of pay and other attendant benefits.

3. The management in their written statement has taken the stand that the petitioner had worked from December 1985 to June 1988 with absent from March 1988 to May 1988. The reason for absent is best known to him. The petitioner was never laid off by the

management from 3/88 to 5/88. Further plea was taken that development work for which the petitioner was engaged was completed and further development work is to be carried out on contract basis. No fresh labour is being engaged after March 1985. Further plea of the management is that no junior has been engaged. The petitioner has not completed 240 days proceeding 12 calendar months from June 1988 and prayed for the dismissal of the reference.

4. Replication was also filed reasserting the claim made in the statement of claim.

5. The petitioner in support of his case produced himself as WM1. He filed his affidavit Ex. W1 and additional affidavit Ex. W1A. In additional affidavit the plea has been taken that juniors are still working and one Sukhbir Singh who was removed from service in 1982 was reinducted by S.D.O.T. Sonapat in 1988. The management produced Shri Mahak Singh as MW1. He filed his affidavit Ex. M1. The workman got proved the documents Ex. W-2, W2A, W2B and W3. The management in additional evidence tender document Ex. M2 showing the number of days put in by the workman and closed their case.

6. I have heard both the parties, gone through the evidence and record.

7. Counsel appearing on behalf of the workman has argued that proceeding 12 months from June 1988 the petitioner had completed more than 240 days and the management has not complied with the provisions of Section 25-F of the I.D. Act 1947 before terminating his services, thus he is entitled for reinstatement with full backwages. I do not find any force in this contention. The petitioner has attached chart of number of days put in alongwith the statement of claim (not exhibited). The management has also filed a chart in additional evidence which is Ex-M2. The number of days put in by the petitioner in both the charts are almost the same except the chart submitted by the management as Ex.M2 is only up to January 1988. Although in the chart submitted by the petitioner is up to June 1988. The number of days proceeding 12 months from June 1988 is counted. The petitioner does not complete 240 days. In June 1988 he worked for 23 days. Admittedly the petitioner had not worked in the month of May, April and March 1988. In 2/88 he had worked for 29 days : 1/88 for 31 days; 12/87 for 31 days; 11/87 for 30 days; 10/87 for 16 days; 9/87 for 9 days ; 8/87 for 26 days and 7/87 for 31 days. Thus in all the petitioner worked for 226 days and not 240 days in order to attract the provisions of Section 25-F of the I.D. Act 1947. Stereotype statement made by MW1 Mahak Singh that he had worked for 229 days in which holidays are not included can not be accepted being contrary to the documentary evidence. Thus the management has not violated the provisions of Sections 25-F of the I.D. Act before terminating the services of the petitioner.

8. The petitioner has failed to prove the violation of Section 25-G and 25-H of the I.D. Act 1947. In relation to the violation of Section 25-H he has pleaded that one Sukhbir Singh inducted in 1988 and is still working. The petitioner himself in his additional affidavit Ex. W1A has stated that Sukhbir Singh was

removed in 1982, if that is so, than Sukhbir Singh certainly has prior preference than the petitioner as he had already with the respdt. Management since 1982 although the petitioner was appointed in 1985. The petitioner has also referred the statement of Mahak Singh MW1 who has admitted that subsequently the workers have been employed through contractor for the work undertaken by the telecommunication department for the purpose of maintainance. Counsel for the petitioner had pointed out that the management has violated the provisions of Section 25-H of the I.D. Act. There is no force in this contention. Subsequent employment of the workers through contractor does not attract the violation of Section 25-H as there is no dispute that provisions of Contract Labour Act is applicable to the organisations like respdt. If the respdt. intends to employ contractor, any violation, if there be, of the Contract Labour Act at the hands of the respdt. Management is punishable under the said act, but the same does not violate any provisions of I.D. Act. The ratio laid down in A.I.R. 1992 Supreme Court page 457 Dina Nath Vs. National Fertilizers is followed.

9. In relation to the violation of Section 25-G of the I.D. Act, the reference has been made to W2/A and W2/B. These are two annexures in the communication Ex. W2 dated 30-12-1986 written by S.D.O. Telecommunication Sonepat to Employment Officer Sonepat. The said annexures are no help to the petitioner because no date of employment has been shown to each workman. The petitioner claims Anil Kumar, Swami Nath, Suraj Bhan, Sita Ram and Sukhbir junior to him have been retained. However in the affidavit of the management's witness Mahak Singh their date of engagement are prior to 1-12-1985 on the date the petitioner was engaged. Therefore, they are senior to the petitioner. The petitioner has not contravened this stand in the cross-examination of the management's witness. Thus, the petitioner has failed to establish the violation of Section 25-G of the I.D. Act 1947.

10. In view of the discussion made in the earlier paras the petitioner has failed to prove the violation of Sections 25-F, 25-G and 25-H of the I.D. Act. The petitioner is not entitled to any relief. The reference is dismissed and returned to the Ministry.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 16 जून, 1993

का.धा. 1511—औद्योगिक विवाद अधिनियम, 1947 (1917 का 14) की धारा 17 के अनुकरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधमंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध से निहित औद्योगिक विवाद में औद्योगिक अधिनियम-1, हैदराबाद के पंचाट की प्रकल्पित कानी है, जो केन्द्रीय सरकार को 14-6-93 को प्राप्त हुआ था।

[संख्या 12012/62/86-D.II(A)]

एम. के. जैन, डेस्क अधिकारी

New Delhi, the 16th June, 1993

S.O. 1511—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the In-

dustrial Tribunal-I, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India, and their workmen, which was received by the Central Government on the 14-6-93.

[No. 12012/62/86-D.II(A)]

S. K. JAIN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD.

PRESENT :

Sri Y. Venkatachalam, M.A., B.L.,
Industrial Tribunal.

TWENTY EIGHT DAY OF MAY
NINETEEN HUNDRED NINETY THREE
INDUSTRIAL DISPUTE NO. 1 OF 1987

BETWEEN :

The Workmen of State Bank of India,
Cuddapah,
represented by the General Secretary,
State Bank Employee's Union,
Peedibhotlavari Street,
Vijayawada-520002. . . Petitioner

AND

The Management of State Bank of India,
Cuddapah (A.P.) . . Respondent.

APPEARANCES :

Sri D.S.R. Varma, Advocate for the Petitioner—
Workmen.

Sri K. Srinivasa Murthy & Miss G. Sudha, Ad-
vocates for the Respondent—Management.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-12012/62/86-D.II(A) dt. 29-12-1986 referred the following dispute under Section 10(1)(d) & (2A) of the Industrial Disputes Act, 1947 between the employer in relation to the Management of State Bank of India and their workmen to this Tribunal for adjudication :

"Whether the action of the Management of State Bank of India Region IV, Tirupathi, in reverting Sri S. M. Yousuf Ali, Dy. Head Cashier, Cuddapah Branch to Cashier's post during the pendency of disciplinary proceedings initiated against him, is justified ?

If not, to what relief the workman concerned is entitled ?"

This reference is registered as Industrial Dispute No. 1 of 1987 and notices were issued to both the parties.

2. The brief averments of the claim statement filed by the Petitioner-Workman read as follows :

Sri S. M. Yousuf Ali, workman in the dispute, joined the Respondent Bank as a Cashier and has more than 25 years of service. He worked as Cashier-

in-Charge at Madhavaram Sub-Office from August, 1967 to April, 1969, and from February, 1972 to October, 1973 he worked as Godown-Keeper; and since November, 1973 he had been working as Deputy Head Cashier at Cuddapah Branch. While so, by letter dt. 17th May, 1984 the Branch Manager, Cuddapah Branch advised Sri S. M. Yousuf Ali as follows :

"Under instructions from Regional Office, I have to advise that you will not be eligible to act as Deputy Head Cashier as Disciplinary Proceedings are pending against you. Accordingly you will not be permitted to act in higher capacities.

2. Please acknowledge receipt of this letter on duplicate hereof."

By the above quoted letter the Bank subjected Sri Yousuf Ali to reversion from Deputy Head Cashier to ordinary cashier and thus reduced his rank and status and also emoluments. The reversion was without notice and was in violation of Section 9-A of the I.D. Act and is ab initio void. The reversion was resorted to by the Bank on plea that Sri Yousuf Ali was only a Cashier and he was allowed to officiate as Deputy Head Cashier earlier purely on temporary basis and by letter dt. 17-5-1984 he was not allowed to officiate as Deputy Head Cashier, as disciplinary proceedings were pending against him. It is submitted that the workman Sri Yousuf Ali had been working as Deputy Head Cashier since November, 1973. He was charge sheeted on 5-9-1974 for alleged negligence in the discharge of his duties. Even subsequent to issue of charge sheet he was continuing as Deputy Head Cashier. Sri Yousuf Ali had been working against a permanent Deputy Head Cashier post for over 10 years. And it is an unfair labour practice on the part of the Bank when it says that it is "purely" on temporary basis that he worked for over ten years as Deputy Head Cashier. But for the reversion which was imposed on plea of pendency of disciplinary proceedings. Sri Yousuf Ali would have been continued as Deputy Head Cashier. The Courts held that it would amount to inflicting punishment and it would be contrary to Article 16 of the Constitution of India. It is prayed that this Hon'ble Tribunal may be pleased to pass an award declaring that the action of the Management in reverting Sri S. M. Yousuf Ali, Deputy Head Cashier Cuddapah Branch to Cashier's post is unjustified, illegal and improper and mala fide and is ab initio void and that he is entitled to be deemed to continue as Deputy Head Cashier on a permanent basis with back wages and all attendant benefits and consequential benefits.

3. The brief averments of the counter filed by the Respondent-Management read as follows :

It is submitted that Sri S. M. Yousuf Ali, is basically Cashier and he was not appointed as Deputy Head Cashier as claimed by him. The Petitioner was permitted by act as Deputy Head Cashier in one such vacancy purely on temporary basis. In view of the disciplinary proceedings pending against him he is not entitled to act in higher capacity either in cadre or out of cadre in the Bank. It is submitted the Petitioner herein was initially appointed as Money Tester on 20-7-1954 and posted as second employee at Madhavaram Sub-Office under Cuddapah Branch

w.e.f. 10-7-1967. Later on from 1972 to 1973 he worked as Godown Keeper and from 1972 onwards he worked as Acting Deputy Head Cashier at Cuddapah Branch for brief periods and this Acting Deputy Head Cashier. He "acted" as Deputy Head, happened to be the senior most eligible employee but the allegation that he was working as Dy. Head Cashier on permanent basis at Cuddapah is not correct. The Respondent Bank never appointed him as Deputy Head Cashier. He "acted" as Deputy Head Cashier purely on temporary basis so long as no disciplinary action was there he was permitted to act as he was the senior most employee. Such officiating chances are purely temporary in nature and will not change the character of his substantive appointment nor acting periods create any right in favour of the petitioner. Not to act cannot be treated as reversion. The allegation that Petitioner's rank was reduced and status as well as emoluments is not correct. When it is not reversion the question of issuing Section 9A notice does not arise. In the interest of the Bank Management issued instructions stating that he should not act as Deputy Head Cashier as disciplinary proceedings are pending against him. It is true a charge sheet was issued. The Branch Manager during the misconduct committed by him while he was discharging duties. As soon as Management detected with regard to commissions and omissions immediately charge sheet was issued. The Branch Manager during the relevant period erroneously misconstrued the eligibility for acting and has not chosen to issue proper instructions. That mistake cannot be taken as advantage by the petitioner and cannot contest as a matter of right that though disciplinary action is pending against him he should be permitted to act as a Deputy Head Cashier. It may be noticed procedure in the Bank in whichever employee is acting in higher cadre if he was charge sheeted for misconduct he will be ineligible to act in higher cadre. It is submitted that the whole case was made out on the ground of reversion by misconstruing all the material facts and legal proposition given is not correct. Not permitting the employee to act cannot be treated as inflicting of punishment and no Court has held as alleged. By acting no employee will get a right. Only acting allowance is paid when an employee is asked to act in higher cadre. It is submitted that on 5-9-1974 management issued charge sheet after receiving due explanations, conducted domestic enquiry in June, 1976 and enquiry was compelled to be postponed till 19-3-1979 due to the conflicts and the claims by the rival unions and their persistent objections and non cooperation. Further even after the commencement of the enquiry, when the petitioner did not respond and remained absent in spite of repeated notices and requests, the Bank was compelled to conduct and conclude the enquiry on merits and after following all the requisite formalities under the Agreements and the law. It is further pertinent to be noted that the employee was not put to any monetary loss even during the pendency of the disciplinary proceedings as he was permitted to act and draw the allowance inadvertently though he was not entitled either under the Awards or the Agreements. The Management could have completed disciplinary proceedings earlier itself but because of the pendency of the W. P. and working to the above set out reasons the management could not proceed further. The Hon'ble Court may be pleased to reject the reference and dismiss the petition.

4. W.W1 and W.W2 were examined for the Petitioner-Workman and no documents were marked for the Workman. Whereas the Management examined M.W1 and M.W2 and marked Exs. M1 to M72.

5. The point for adjudication is whether the action of the Management of State Bank of India Tirupathi in reverting Sri S.M. Yousuf Ali, Dy. Head Cashier, Cuddapah Branch to Cashier's Post during the pendency of disciplinary proceedings initiated against him is justified ?

6. W.W1 is one G. Krishna Murthy. He deposed that he has been working as Clerk in the State Bank of India at Vijayawada since 1961. He is the General Secretary of State Bank Employees Union of A.P. since 1982. He is associated with the same Union since 1964. He knew Sri S.M. Yousuf Ali, the concerned workman in this reference and he knows his service particulars, Sri S. M. Yousuf Ali i.e. the workman involved in this reference, joined the service of State Bank of India as Money Tester in 1954. Later one he became Cashier and later he became Dy. Head Cashier and worked in Cuddapah Branch from November, 1973. While he was working as Dy. Head Cashier in Cuddapah Branch, he was charge sheeted by the Respondent Bank alleged gross negligence in performance of his duties. A domestic enquiry was conducted against him and he defend him as workman's representative, in that domestic enquiry. Due to interference of another Union called as State Bank of India Staff Union, Hyderabad Circle, he was not permitted as workmen's representative to defend the delinquent and the enquiry was proceeded. The workman in this case and some other workman filed a Writ Petition on the file of High Court of Andhra Pradesh seeking directions to allow the workman's representatives to defend the workmen. The said Writ Petition was dismissed as there was change in the status of the union. Thereafter the domestic enquiry was taken up in 1986 and it was completed. Sri S.M. Yousuf Ali continued to work as Dy. Head Cashier in Cuddapah Branch from November, 1973 to May 1984. From May, 1984 the Respondent bank suddenly stopped him to work as Dy. Head Cashier and allowed him to work as Cashier. On the ground that the domestic enquiry was pending against him, under the proceedings dt. 17-5-1984. The Union represented to the Management against the said action of the Management. Since the Management of the respondent-Bank did not correct the injustice caused to the S. M. Yousuf Ali in this regard. He, as General Secretary of the Union, moved the Asst. Labour Commissioner (Central) to initiate the conciliation proceedings. He raised the dispute before the conciliation officer on the ground that there is no prior notice issued to the workman before reverting him to the post of Cashier from the post of Dy. Head Cashier. The Conciliation failed and the conciliation officer submitted the failure report to the Government of India, Ministry of Labour, New Delhi and the Ministry of Labour, Government of India referred the case to this Tribunal for adjudication.

7. W.W2 is one S.M. Yousuf Ali. He deposed that he is the concerned workman in this industrial dispute. He joined service in the Imperial Bank of India on 18-1-1954, as Money Tester. He was promoted as Cashier in the year 1964. He was posted as 2nd employee in the Pay Office at Madhavaram in 1967.

Thereafter he was posted as Godown Keeper at Cuddapah Branch in 1968. He was promoted as Deputy Head Cashier in 1973 November. Ever since then he worked as Dy. Head Cashier till 17-5-1984 without any break. In 1974 disciplinary proceedings were initiated against him. As the disciplinary proceedings were pending against him, he was reverted as Cashier on 17-5-1984. Before reverting him to the post of Cashier, no notice was given to him by the Management. The disciplinary proceedings were completed in 1986 and one increment was stopped as a measure of punishment. After completion of disciplinary proceedings he was not promoted as Dy. Head Cashier. He prays the Court to hold that the action of the management in reverting him as Cashier from the post of Dy. Head Cashier as illegal and to direct the management to promote him as Dy. Head Cashier and continue him in the same post with effect from 17-5-1984 and to direct the management to pay him the difference of wages from that date. During the pendency of conciliation proceedings he was promoted temporarily as Dy. Head Cashier in the year 1986 in the leave vacancy and after expiry of the leave he was reverted back.

8. M.W1 is one C. Mohan Rao. He deposed that he was appointed as Clerk-cum-Typist in the Respondent-Bank on 4-10-1971 and he was promoted as Officer on 31-10-1979 and how he is working as Office-incharge (Staff) State Bank of India, Region IV, Zonal Office, Tirupathi since March 1988. He knows the facts of this case. W.W2 was originally appointed as Money Tester, and worked as Money Tester till 1965 and promoted as Cashier in 1965. Whenever the Dy. Head Cashier of a Branch goes on leave, the senior most cashier of that branch will be placed in that post to act as incharge in that post. W.W2 acted as Dy. Head Cashier incharge in Cuddapah branch from 1973 onwards whenever the Dy. Head Cashier went on leave. During the period W.W2 acted as Dy. Head Cashier he used to get acting allowance. Bipartite Settlement provides procedures for giving acting jobs to the employees working in the same branch whenever there is contingency, W.W2 never worked as permanent Dy. Head Cashier in Cuddapah Branch at any time. W.W2 was involved in disciplinary proceedings in respect of a misconduct committed by him in 1974 and as a result of it W.W2 was not given the opportunity of acting as Dy. Head Cashier from May, 1984. The disciplinary proceedings against W.W2 were commenced in 1974 and ended in October, 1984. The disciplinary proceedings initiated against W.W2 were delayed for a period of about 10 years due to the Writ Petition filed in the High Court of A.P. by W.W2 against the management and obtained stay of the disciplinary proceedings. To officiate as Deputy Head Cashier is a matter of convenience and it is not a matter of right of any person. W.W2 was not reverted from the post of Deputy Head Cashier. He worked as Clerk-typist in Cuddapah Branch from 4-10-1971 to 20-4-1986 and as Officer from 1982 August to February 1986.

9. M.W2 is one T. Nagender Prasad. He deposed that he has been working as Officer in the Personnel Department of State Bank of India, Hyderabad local Head office since 16th August, 1990. The State Bank of India Branch at Cuddapah had been maintaining the vouchers with regard to the payment of allowance

to W.W2 Exs. M6 to M71 are the vouchers under which W.W2 was paid acting allowance for acting as Deputy Head Cashier in Cuddapah Branch. They prepared a statement of the particulars of the acting allowance paid to W.W2 under Exs. M6 to M71 during the relevant period and the said statement prepared by them is Ex. M72.

10. At the very outset, the simple point involved in this case is that the Petitioner-workman has been working as Dy. Head Cashier at Cuddapah Branch since November 1973 and ever since then he worked as Dy. Head Cashier till 17-5-1984. While he was working as Dy. Head Cashier, the Respondent-Management issued a letter F. No. 25 dt. 17th May, 1984 advising Sri S.M. Yousuf Ali as follows :

"Under instructions from Regional Office, I have to advice that you will not be eligible to act as Deputy Head Cashier as Disciplinary Proceedings are pending against you. Accordingly you will not be permitted to act in higher capacities."

Consequent on the above letter, the petitioner workman was reverted as Cashier on 17-5-1984. Before reverting him to the post of Cashier, no notice was given to him by the Management. The contention of the Respondent-Management is that the Petitioner-workman was not appointed as Deputy Head Cashier and he was basically a Cashier and on the basis of seniority and eligibility, an employee will be permitted in higher cadre to act either in the leave vacancy or in the unfilled vacancies. The Petitioner-Workman was permitted to act as Deputy Head Cashier purely on temporary basis, and that he was paid acting allowance. The further contention of the Respondent-Management is that the Respondent Bank never appointed the petitioner workman as Deputy Head Cashier. Such officiating chances are purely temporary in nature and will not change the character of his substantive appointment nor acting periods create any right in favour of the Petitioner and not to act cannot be treated as reversion, and the question of issuing notice under Section 9-A of the I.D. Act does not arise.

11. A perusal of the documents indicate that the Petitioner-workman was not promoted as Dy. Head Cashier but he was given the acting post as Dy. Head Cashier. In the evidence of W.W2 in his chief examination, he stated that he was promoted as Dy. Head Cashier in 1973 November. But in the cross examination he deposed that he did not file the order promoting him as Dy. Head Cashier, and further he deposed that it is true he acted as Dy. Head Cashier and not as permanent Dy. Head Cashier. The Petitioner-workman has been acting as Dy. Head Clerk since November, 1973 to 17-5-1984, it is not a regular and permanent post. As the disciplinary proceeding was pending against him, he was not given the post of acting Dy. Head Cashier from 17-5-1984 and it is not a reversion and notice under Section 9A of the I.D. Act does not attract him. Section 9-A of the I.D. Act prescribes that no employer, who proposes to effect any change in the conditions of service applicable to any workman in respect of any matter specified in the Fourth Schedule, shall effect such change. Here in this case the Petitioner rank was not reduced nor

any status changed. I find that the Respondent Management has not violated any of the provisions of the I.D. Act nor changed service conditions nor nature of substantive appointment. Considering all the facts and circumstances of the case, I am of the Opinion that the Respondent Management was right in issuing Letter F. No. 25 dt. 17-5-1984 mentioning that the Petitioner-workman will not be eligible to act as Deputy Head Cashier as disciplinary proceedings are pending against the Petitioner-workmen.

12. In the result, the action of the Management of State Bank of India Region IV, Tirupathi, in reverting Sri S.M. Yousuf Ali, Dy. Head Cashier, Cuddapah Branch to Cashier's post during the pendency of disciplinary proceedings initiated against him is justified and that the Petitioner is not entitled to any relief.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 28th day of May, 1993.

Y. VENKATACHALAM, Industrial Tribunal
Appendix of evidence.

Witness Examined on behalf of the Petitioner/
Workman :

W.W.1 L.G. Krishna Murty

W.W. 2 Sri S.M. Yousuf Ali

Witnesses Examined on behalf of the Respondent/
Management :

M.W. 1 C. Mohan Rao

M.W. 2 T. Nagendra Prasad.

Documents marked for the Petitioner/Workman:

NIL

Documents marked for the Respondent/
Management :

Ex. M1 Particulars of Acting in higher capacity
- by Sri S.M. Yousuf Ali, Cashier,
dt. Cuddapah Branch as Dy. Head Chashier.

Ex. M2 Appointment of Deputy Head-Cashier
- of S.M. Yousuf Ali.
dt. 8-7-83

Ex. M3 The copy of the Show Cause Notice
- issued by the Regional Manager and
dt. 5-9-74 disciplinary authority to Sri S. Md.
Yousuf Ali.

Ex. M4 Extract of paragraph 26.5 of chapter
- 26 at page 20 of the reference book-on
dt. Staff Matters (Volume -I).

Ex. M5	Photostat copy of the letter issued by the State Bank of India, Cuddapah to Shri S.M. Yousuf Ali, Cashier, S.B.I., Cuddapah.	Ex. M21	Voucher under which Sri S.M. Yousuf Ali was paid acting allowance for acting Dy. Head Cashier in Cuddapah Branch.
Dt. 17-5-84		Dt.	
Ex. M6	Voucher under which Sri S.M. Yousuf Ali was paid acting allowance for acting Dy. Head Cashier in Cuddapah Branch.	Ex. M22	-do-
Dt. 2-3-81		Dt.	
Ex. M7	Voucher under which Sri S.M. Yousuf Ali was paid acting allowance for acting Dy. Head Cashier in Cuddapah Branch.	Ex. M23	-do-
Dt.		Dt.	
Ex. M8	Voucher under which Sri S.M. Yousuf Ali was paid acting allowance for acting Dy. Head Cashier in Cuddapah Branch.	Ex. M24	-do-
Dt.		Dt.	
Ex. M9	Voucher under which Sri S.M. Yousuf Ali was paid acting allowance for acting Dy. Head Cashier in Cuddapah Branch.	Ex. M25	-do-
Dt.		Dt.	
Ex. M10	-do-	Ex. M26	-do-
Dt.		Dt.	
Ex. M11	-do-	Ex. M 27	-do-
Dt.		Dt.	
Ex. M12	-do-	Ex. M28	-do-
Dt.		Dt.	
Ex. M13	-do-	Ex. M 29	-do-
Dt.		Dt.	
Ex. M14	-do-	Ex M30	-do-
Dt.		Dt.	
Ex. M15	-do-	Ex. M 31	-do-
Dt.		Dt.	
Ex. M16	-do-	Ex. M32	-do-
Dt.		Dt.	
Ex. M17	-do-	Ex. M33	-do-
Dt.		Dt.	
Ex. M18	-do-	Ex. M34	-do-
Dt.		Dt.	
Ex. M19	-do-	Ex. M35	-do-
Dt.		Dt.	
Ex. M20	-do-	Ex. M36	-do-
Dt.		Dt.	
		Ex. M37	-do-
		Dt.	
		Ex. M38	-do-
		Dt.	

Ex. M32	Voucher under which Sri S.M. Yousuf	Ex. M57	-do-
Dt.	Ali was laid acting allowance for acting as Dy. Head Cashier in Cuddapah Branch	Dt.	
Ex. M40	-do-	Ex. M58	-do-
Dt.			-do-
Ex. M41	,do-	Ex. M 59	-do-
Dt.		Dt.	
Ex. M42	-do-	Ex. M60	-do-
Dt.		Dt.	
Ex. M43	-do-	Ex. M61	-do-
Dt.		Dt.	
Ex. M44	-do-	Ex. M62	-do-
Dt.		Dt.	
Ex. M45	-do-	Ex. M63	-do-
Dt.		Dt.	
Ex. M46	-do-	Ex. M 64	-do-
Dt.		Dt.	
Ex. M47	-do-	Ex. M65	-do-
Dt.		Dt.	
Ex. M48	-do-	Ex. M66	-do-
Dt.		Dt.	
Ex. M49	-do-	Ex. M67	-do-
Dt.		Dt.	
Ex. M50	-do-	Ex. M68	-do-
Dt.		Dt.	
Ex. M51	-do-	Ex. M69	-do-
Dt.		Dt.	
Ex. M52	-do-	Ex. M70	-do-
Dt.		Dt.	
Ex. M53	-do-	Ex. M 71	-do-
Dt.		Dt.	
Ex. M54	-do-	Ex. M72	Statement of Acting Allowance paid to Sri S.M. Yousuf Ali, Cashier, Cuddapah Branch.
Dt.		Dt.	
Ex. M55	-do-	Y. VENKATACHALAM, Presiding Officer	
Dt.		नई दिल्ली, 16 जून, 1993	
Ex. 56	-do-	का.मा. 1512 --औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक, के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण	
Dt.			

व श्रम न्यायालय चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-6-93 को प्राप्त हुआ था।

[संख्या एल-12012/233/88-डी III (ए)]

एस. के. जैन, डेस्क अधिकारी

New Delhi, the 16th June, 1993

S.O. 1512.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on the 15-6-1993.

[No. L-12012/233/88-D.III(A)]
S. K. JAIN, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH.

Case No. I. D. 30/89

Sher Singh Bandral Vs. State Bank of India
For the workman : Shri J. G. Verma
For the management : Shri A. C. Jaidka

AWARD

Central Govt. vide gazette notification No. L-12012 (233)/88-D.III(A) dated 20th February, 1989 issued U/s 10 (1)(d) of the I.D. Act 1947 referred the following dispute to this Tribunal for adjudication.

“Whether the action of the management of State Bank of India represented through the Regional Management State Bank of India, Regional Officer Srinagar in not considering Shri Sher Singh Bandral for promotion in the year 1985/86, is justified? If not, to what relief the workman is entitled to?”

2. Mr. J. G. Verma authorised representative of the petitioner has made a statement that he does not want to pursue with the present reference and same may be returned to the Ministry. In view of the statement made by the authorised representative of the workman, the present reference is returned to the Ministry.

Chandigarh.

20-5-1993.

ARVIND KUMAR, Presiding Officer

नई दिल्ली 16 जून, 1993

का.आ. 1513 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबन्धन के संबंध में निम्नलिखित और उनके कर्मचारियों के बीच, अनुबंध

निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, I हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-6-93 को प्राप्त हुआ था।

[संख्या एल-12012/437/86-डी II (ए)]

एस. के. जैन, डेस्क अधिकारी

New Delhi, the 16th June, 1993

S.O. 1513.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal I, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on the 14-6-93.

[No. L-12012/437/86 DII(A)]

S. K. JAIN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :-

Sri V. Venkatachalam, M.A., B.L., Industrial Tribunal.

Twentyninth day of may nineteen hundred ninety three

Industrial Disputes No. 43 of 1987
BETWEEN :

The Workmen of State Bank of India,
Visakhapatnam represented by State Bank
Employees' Union, Peddibhotlavari Street,
Vijayawada-520 002. .. Petitioner.

AND

The Management of State Bank of India,
Visakhapatnam. .. Respondent.

APPEARANCES :-

Sarvasri D. S. R. Varma and K. Narasimham,
Advocates for the Workmen.

Sri K. Srinivasa Murthy, Advocate for the
Management.

AWARD

The Government of India, Ministry of Labour, by the Order No. L. 12012/437/86-D.II(A) dt. August, 1987 referred the following dispute under Section 10(1)(a) & (2A) of the Industrial Disputes Act, 1947 between the employers in relation to the management of State Bank of India and their workmen to this Tribunal for adjudication :

“Whether the demand of the S. B. Employees' Union for retrospective promotion to Sri Ch. Laxminarayana as Daftari is justified? If so, to what relief is the workman entitled?”

This reference was registered as Industrial Disputes No. 43 of 1987 and notices were issued to both the parties.

2. The brief averments of the claim statement filed by the Petitioner-workman read as follows :

Sri Ch. Lakshminarayana was appointed as a Messenger in 1960 at Bobbili Branch and since then he had been discharging his duties with utmost sincerity. In 1972 there was agitation on the part of the employees against false charge sheets and vindictive transfers in that connection. The Respondent Bank victimised several employees including Lakshminarayana by placing them under suspension. Lakshminarayana was suspended by an order dt. 12-4-1972 charge sheeted by an order dt. 22-5-1972 charge being alleged unruly and disorderly behaviour on the premises. In the enquiry that was held and completed on 20-4-1974 no evidence was let in support of the charge and it was a matter of record of the enquiry proceedings that the charge had not been proved. But instead exonerating the workman, the Respondent Bank ordered de novo enquiry for 29-5-1976 on the same ordered. The main fide purpose was to reopen the closed matter to create some basis or pretext to punish on a charge which is non-existent and which in any event had been disproved by the record of the enquiry proceedings. As the Management proceeded to hold the de novo enquiry, the workman filed Civil Suit being OS. No. 84/76 on the file of District Munsif Court, Bobbili and obtained an interim stay. Against this Order and judgment of the District Munsif Court, Bobbili the Respondent-Bank filed appeal AS No. 51/78 in the Court of the Subordinate Judge, Parvatipuram, and this Appeal suit was dismissed by the Hon'ble Subordinate Judge on 6-12-1983. The Petitioner Union have waited for a considerable time after lifting of the suspension for the Respondent Bank to come forward to pay back wages consequent on lifting of suspension, addresses letter No. 324/407 dt. 7-5-1984 to the Chief General Manager, State Bank of India, Local Head Office, Hyderabad demanding the payment of back-wages, increments, bonus, etc. due to lifting of suspension and refixation of the salary of the workman in question. After raising the dispute the workman was promoted as Daftry prospectively from 10-7-85. The promotion should be retrospective effect and the benefits would be retrospective effect but not prospective effect. It is further contended by the Workmen that the Petitioner Union submits that Daftry Daffadars etc. are promotional posts in the subordinate cadre, carry a special allowance in terms of the awards and bipartite settlements and are made on the basis of seniority of the workman's service and it is also submitted that this being so they are covered by the directions contained at para 529 of the Sastry Award. The Respondent-Bank instead of deciding the workman's entitlement on the basis of his seniority in service and act in conformity with the provisions contained at para 529 of Sastry Award introduced element of 'suitability' which has never been the consideration for promotion to these posts. The allegation of 'unruly behaviour' had not been proved by evidence at the domestic enquiry. It is

therefore submitted that the stand of the Respondent Bank is irrelevant, untenable and capricious and it may be set aside and the award may be passed in favour of the workman. It is further stated by the Joint Secretary of the State Bank of India Employees Union of behalf of the workman in question (1) be promoted to the post of Daftry retrospectively from the date he became due by virtue of his seniority, (2) to be promoted as Daftrar at Bobbili branch from the date of the complement of messengers at Bobbili Branch reached 5 i.e. in the year 1972-73 and (3) to payment of special allowance due on such promotion as Daftry, Daffedar and payment of arrears due thereon.

3. On the other hand the Management filed a counter denying all the allegations made in the claim statement of the Union in question. It is stated that the reference itself is illegal and the workmen is not entitled for any relief from retrospective etc. At the outset there cannot be any reference of this nature. Lakshminarayana was working as Messenger and there was no promotion as such from the post of Messenger to that of Daftry. In the absence of any categories of promotion to that post that is of that of Daftry the reference itself becomes illegal. That is outside the scope of Section 10(1) of the I.D. Act and it does not contemplate the promotion nor can authorities take itself the power to promote persons with retrospective effect. Even otherwise it is submitted that the Petitioner's contention that he had been discharging his duties with utmost sincerity is subject to proof. The Bank deines that there is victimisation under the Bank labour practice and infact nobody was victimised by the Respondent Management including the workman in question by name Ch. Lakshminarayana. The Petitioner was placed under suspension on 12-4-1972 and charge sheeted on 22-5-72 for his unruly behaviour in the Branch premises and also for using abusive language on 24-3-72 while he was working at Bobbili Branch. It is not correct to alleged that it was for the mala fide purpose. The Respondent Bank ordered de novo enquiry. The Disciplinary Authority having been convinced that a fair and reasonable opportunity was not given to both prosecuting authority and delinquent employee. This decision was taken on 22-11-75 and conveyed to the employee through Bobbili Branch on 20-12-75. Consequent upon the judgement in Suit O. S. 84/76 the Respondent-Bank issued proceedings reinstating him in service without prejudice to the Bank's right to the disciplinary proceedings pending against him. Thereafter the suspension was lifted. The workman files O-S. 69/81 for grant of decree against the Bank for the following claims; (1) Payment of back wages during the period of suspension 12-4-72 to 10-10-78, (2) fixation of basic pay with increments, (3) Payment of Bonus, (4) Grant of subsequent promotions to which he is legally entitled in the vacancies which arose after 19-4-1972 and to pay him arrears of special allowances retrospectively from the relevant dates, (5) affording credit with privilege leave, sick leave and unavailed casual leave from 19-4-1972 to 3-10-1978. With regard to higher assignment of daftry, it is not a promotion but an appointment by payment of special allowance in the subordinate cadre, to a messenger who happens to be relatively

senior. He will have to perform duties of messenger also. The senior most messenger next to dafedar will be appointee as Daftry at a Branch. It is not correct to contend that the posts of Daftry and Dafedars are promotions. But these are only appointments in the subordinate cadre. He cannot claim these posts from a retrospective date as he was not working at Bobbili Branch at that time, when the vacancies for the posts arose. He was reinstated and posted at Sompeta Branch and transferred to Garividi Branch at his request. He was placed back in the position as Messenger on reinstatement where he left off at the time of his suspension. Even according to Para 529 of Sastry the element of suitability and not considering a particular employee for a promotion is also discussed as stated in para 7 above. The Petitioner's claim that just because he was paid back wages etc., he is entitled to the higher assignments/posts is not correct. It is further submitted that the order to encourage subordinate staff certain higher appointments are made available in the various branches of the Respondent Bank and certain norms have been fixed for sanctioning the posts of Daftry/Dafedar for. Therefore the workman in question is not entitled to get any benefits from the retrospective effect.

4. No document are marked on behalf of the workmen and on behalf of the Management Exs. M1 to M10 are marked.

5. The evidence of M. W1 goes to state that he was working in the Respondent Bank at Kakinada and he is aware of the facts of the case. He gave evidence that while the workman was working as Messenger at Bobbili Branch he knows him. In 1972 while he was working at Bobbili he was indulged in disorderly behaviour used abusive language against the Branch Manager. Thereafter he was kept under suspension. Domestic enquiry was held and disciplinary proceedings were initiated. The domestic enquiry was not conducted in free and fair atmosphere and therefore ordered de novo enquiry. The workman filed a suit O. S. No. 86 of 1974 on the file of the District Munsiff Bobbili. The suit was decreed subsequently an appeal was dismissed by the Subordinate Judge, Parvatipuram and the Bank preferred an appeal to the High Court. Ex. M4 is the order dt. 3-10-1978 reinstating the Petitioner into service. The settlement was arrived at under Ex. M5. On the same was handed over to the Management by Assistant Commissioner of Labour, Visakhapatnam. The Petitioner was paid emoluments under Ex. M5. He was posted as Daftry at Garividi Branch. Thereafter under Ex. M7 he was appointed as Dafedar by an order dt. 24-7-1987 and he was posted at Sonapat Branch. The post of Messenger and Daftry are of the same cadre but the Daftry gets some special allowance which the Messenger is not eligible. Daftry is the post of cadre higher appointment in messenger cadre. It is not promotional post from the post of messengers. The appointment of Daftry from among the messengers the seniority of concerned branch in the messengers will be taken into consideration and not the region or state wise seniority. The appointment of the post of Dafedar is very the category of messengers. The Petitioner was appointed as dafedar but

he refused to report for duty and sought for re-posting at the old station at Bobbili Branch as he was facing disciplinary proceedings. He was not re-posted in the same branch.

6. The point for consideration is whether there is valid ground to extend the benefits of post of Dafedar to the workman Ch. Lakshminarayana with retrospective effect or with prospective effect.

7. At the very outset I would like to mention that it is an admitted fact as seen from the evidence of M.W1 coupled with the contents of the counter filed by the Respondent to the effect that the service condition of Daftry and Dafedar are not one and the same. Daftry is a senior post. The posts of Messenger and the Daftry are of the same cadre but the Daftry gets some special allowance for which the Messenger is not eligible. Daftry is the post of cadre higher appointment is Messenger cadre, and it is not a promotional post from the post of Messengers. The appointment of Daftry from among the Messengers the seniority of concerned Branch in the Messengers will be taken into consideration and not the region or statewide seniority. In cross examination of M.W1 he stated that the senior most eligible messenger will be posted as Dafedars thereafter as Daftry in the branches where the post of Dafedar is available and in the branches where the post of Dafedar is not available and the post of Daftry alone is available the senior most eligible messenger in that Branch will be posted as Daftry and in case the senior most messenger is not suitable and eligible, the next Messenger in seniority will be posted as Daftry if he is suitable and eligible for the post, in accordance with the Bipartite Settlement.

8. It is contended on behalf of the Petitioner-Workman that a Settlement was arrived at on 25-2-1985 with regard to payment of backwages, increments etc. But the Respondent Bank was unrelenting in respect of the workman's promotion to the posts of Daftry, Dafedars etc. retrospectively. The Union addressed a letter dated 2-3-1985 to the Management on the question of the workman's retrospective entitlement to promotion to the posts of Daftry Dafedar etc. and followed it up by an I.D. before the Assistant Labour Commissioner (Central) Visakhapatnam. After raising the above dispute the workman was promoted as Daftry prospectively from 10-7-1985. The rights of the workman became further strengthened when the period of suspension, between 1972 and 1978 is treated as on duty and the workman was extended all the benefits consequent on lifting of the suspension, including seniority of service. Now the Respondent-Bank has introduced the element of "Suitability" contained in para 529 of Sastry Award, which has never been the consideration for promotion to these posts, and that the allegation of "unruly behaviour" had not been proved by evidence at the domestic enquiry. So in view of the above matter, I find that the Respondent-Bank was not right in not promoting the Petitioner-workman to the post of Daftry retrospectively from the date he became due by virtue of his seniority.

9. In the result, the demand of the S. B. Employees' Union, for retrospective promotion to Sri Ch. Laxminarayana, as Daftry is justified. Sri Ch.

Laxminarayana is liable for the benefits of the post of Daftry with retrospective effect.

Award passed accordingly.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 29th day of May, 1993.

Y. VENKATACHALAM, Industrial Tribunal.

Appendix of Evidence.

Witnesses Examined for the Workman : W.W1
Ch. Laxminarayana.

Witnesses Examined for the Management : M.W1
V. Jeevan.

Documents marked for the Workmen :

NIL

Documents marked for the Management :

Ex. M1, dt. 28-6-88.—Copy of the Judgement of High Court of Andhra Pradesh in Second Appeal No. 772 of 1984, dated 28-6-88.

Ex. M2, dt. 29-6-85.—Certified copy of the decree in O.S. No. 69 of 1981 on the file of Subordinate Judge, Parvathipuram filed by the Petitioner.

Ex. M3, dt. 12-4-72.—True Copy of the suspension order issued by the Staff Superintendent and Disciplinary Authority to Ch. Lakshminarayana, Messenger with regard to suspending the petitioner.

Ex. M4, dt. 3-10-1978.—Copy of the order dt. 3-10-1978 issued by the Regional Manager, Region VI and Disciplinary Authority to Ch. Lakshminarayana with regard to reinstatement of the petitioner into service.

Ex. M5, dt. 25-2-85.—Copy of the Memorandum of Settlement arrived at under Section 12(3) of I.D. Act, 1947, between the Management of S.B.I. and State Bank Employees Union before the Asstt. Labour Commissioner(C), Visakhapatnam on 25-2-1985.

Ex. M6, dt. 13-7-85.—Copy of the Order dt. 13-7-85 issued by the Branch Manager, S.B.I., Vizianagaram to Ch. Lakshminarayana with regard to the Petitioner appointed as Daftry and posted at Garividi Branch.

Ex. M7, dt. 27-4-87.—Copy of the Order dt. 27-4-87 issued by the Regional Manager, S.B.I., Garividi with regard to appointment of Ch. Laxminarayana as Daftry at Sompet Branch.

Ex. M8, dt. 12-5-87.—Copy of the Representation dt. 12-5-87 requests the Regional Manager to post him as Dafedar in Agricultural Development Branch at Parvathipuram.

Ex. M9.—True Copy of the Extract of paragraph 25.1(C) of Chapter 25 at page 2 of the reference book on staff matters. (Volume I).

Ex. M10.—True Copy of the Extract of para 529 of the Sastry Award.

नई दिल्ली, 18 जून, 1993

का.प्र. 1514.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ब्रिटिश बैंक आफ मिडिल ईस्ट के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद से केन्द्रीय सरकार औद्योगिक अधिकांश, नं.-1, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-6-93 को प्राप्त हुआ था।

[संख्या एन-12011/57/88-डी-1(बी)]

एम.के. जैन, डेस्क अधिकारी

New Delhi, the 18th June, 1993

S.O. 1514.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the Award of the Central Government Industrial Tribunal, No. 1, Bombay, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of British-Bank of Middle East and their workmen, which was received by the Central Government on the 17-6-93.

[No. L-12011/57/88-D.I.(B)]

S. K. JAIN, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. : 1, AT BOMBAY
PRESENT :

Justice Shri R. G. Sindhakar.—Presiding Officer.

Reference No. : CGIT—1/13 of 1989

PARTIES :

The Employers in relation to the Management
of British Bank of Middle East.

AND

Their Workmen.

APPEARANCES :

For the Employer.—Shri P. M. Paishikar and
Shri Pota, Advocates.

For the Workmen.—Shri M. B. Anchan, Ad-
vocate.

INDUSTRY : Banking. STATE : Maharashtra.

Bombay, dated the 9th day of June, 1993.

AWARD

The Government of India, Ministry of Labour New Delhi, by their letter dated 16-02-1989 made the following reference to this Tribunal.

“Whether the action of the management of
British Bank of Middle East in not paying

the overtime wages to the staff members who worked in the Bank on 29-05-1987 from 10.30 a.m. to 3.00 p.m. is legal and justified. If not, what relief the workmen are entitled to?"

The statement of claim has been filed by the Union on behalf of the workmen and on behalf of the Bank, written statement to that also was filed.

The facts in brief are as follows :

It was a usual working day for the bank employees and it so happened that Shri Charan Singh, the then Prime Minister expired. As a result of this, a holiday was declared under the Negotiable Instruments Act, 1881. The workmen who were on duty on that day worked between 10.30 a.m. and 3.00 p.m. According to them, as per the provisions of the Bi-partite Settlement, they are entitled to overtime wages for having worked on a holiday from 10.30 a.m. to 3.00 p.m., at the rate of 200 per cent of their hourly emoluments. (Section 14.15 of the Bi-partite Settlement dated 19-10-1966). They failed to get a favourable response. According to the Union, the Bank, vide letter dated 25-11-1987 agreed to pay overtime wages to the staff members for the period from 2.30 p.m. to 3.00 p.m. only.

The demand was rejected by the Bank by its written statement and it is contended that;

29th May 1987, i.e. the day in question was not a holiday declared for the Bank. It was further contended that, being a normal working day, the staff, as expected reported on duty. The staff worked till 3.00 p.m. and thereafter stopped working because a send off party was arranged for Mr. K. Vasudevan, who was to retire. The wireless message declaring it a holiday was received by the Reserve Bank of India, as late as at 4.20 p.m. on that day. The Bank observes a Bank holiday, only when the Reserve Bank of India intimates the same to be a Bank holiday. According to the Bank, the workmen having worked during the time when a bank holiday was not declared, they are not entitled to overtime wages. It is further stated that, they had already stopped working at 3.00 p.m. and therefore were not entitled to overtime wages for the period for which they had not, or were not asked to work. Some more points were raised by the Bank as under. It is stated that the Bank agreed to pay overtime wage for the period between 2.30 p.m. and 3.00 p.m. but that was not because the Bank was satisfied with the justness of the demands, but, only by way of ad-hoc compromise. It is also contended that the specific directions of the requisite authorities are necessary before the staff could be called upon to do overtime work. It is also contended that no overtime wages is payable if the work was done before receiving any information regarding the declaration of an unforeseen holiday.

My learned predecessor received the affidavit of Shri Sudhir Nayak, one of the employees of the British Bank of Middle East, who also happened to be the Assistant Secretary of the Union. He has supported the contentions in the statement of claim, by filing his affidavit. He says that they had worked between 10.30 a.m. and 3.00 p.m. and therefore, they were entitled to overtime wages, as that day was declared

a holiday. He was cross examined on behalf of the management also.

It is not necessary to deal with the contentions and the material in record, in view of the fact that on behalf of the Union it has been submitted that the Union do as not want to proceed in the matter, as the Union has decided to settle the matter out of court. The request therefore is, that the reference may be disposed off.

The learned advocate appearing on behalf of the Bank had no objection to this submission made on behalf of the Union. In view of this, I do not find it necessary to examine the rival contentions and the award therefore, is, made accordingly.

R. G. SINDHAKAR, Presiding Officer.

नई दिल्ली, 17 जून, 1993

का. भा. 1515.-कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1-7-1993 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 धारा-44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है [और अध्याय-5 और 6 धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध केवल राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात्:-

"जिला एवं तालुक विचर के राजस्व ग्राम अराट्टपुझा के अर्न्तगत आने वाले क्षेत्र"।

[संख्या एम-38013/10/93-एमएम-1]

जे.पी. शुक्ला, अवर सचिव

New Delhi, the 17th June, 1993.

S.O. 1515.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st July 1993 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapters V and VI [except sub-sec. (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Kerala namely :—

"The area within the revenue village of Arattupuzha in taluk and District of Thrissur".

[No. S-38013/10/93-SS II]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 21 जून, 1993

का.भा. 1516.-केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91-क के साथ पठित धारा 87 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, और भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.भा. 321 दिनांक 21 जनवरी, 1993 के अनुक्रम में संयम द्विमुद्रित एंस्ट्रिक्टोडिस्म लि. पिम्परी, पुणे को उक्त अधिनियम के प्रवर्तन से 1 अक्टूबर, 1992 से 30 सितम्बर, 1993 तक की जिसमें यह लागू हो सम्मिलित है और अधि के लिए छूट देती है।

2 उक्त छूट निम्नलिखित शर्तों के अधीन है, अर्थात्:-

(1) उक्त कारखाने का नियोजक उक्त अधि की तारीखों के दौरान उक्त कारखाने पर उक्त अधिनियम प्रवृत्त था (जिसे

इसमें इसके पश्चात् उक्त अवधि कहा गया है) ऐसी विवरणियाँ ऐसे प्रश्न में और ऐसी विशिष्टियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की श्रवण देनी थी,

- (2) नियम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक या इस निमित्त प्राधिकृत नियम का कोई अन्य पदधारी,—
 - (i) धारा 44 की उपधारा (1) के अधीन उक्त अवधि के लिए दो बर्ष किसी विवरणी की विशिष्टियों को सत्यापित करने के प्रयोजनों के लिए, या
 - (ii) यह अभिनिश्चित करने के प्रयोजनों के लिए कर्मचारी राज्य बीमा (साधारण) विनियम 1950 द्वारा यथा अपेक्षित रजिस्टर और अभिलेख उक्त अवधि के लिए रखे गये थे या नहीं, या
 - (iii) यह अभिनिश्चित करने के प्रयोजनों के लिए कि कर्मचारी नियोजक द्वारा दी गई उन प्रसुविधाओं को जो ऐसी प्रसुविधाएँ हैं जिनके प्रतिफलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद और वस्तु रूप में पाने का हकदार बना हुआ है, या नहीं, या
 - (iv) यह अभिनिश्चित करने के प्रयोजनों के लिए कि उस अवधि के दौरान जब उक्त कारखाने के संबंध में अधिनियम के उपबंध प्रवृत्त थे ऐसे किन्हीं उपबंधों का अनुपालन किया गया था या नहीं।

निम्नलिखित कार्य करने के लिए सशक्त होगा:—

- (क) प्रधान नियोजक या अव्यवहित नियोजक से यह अपेक्षा करना कि वह उसे ऐसी जानकारी दे जो वह आवश्यक समझे, या
- (ख) ऐसे प्रधान नियोजक या अव्यवहित नियोजक के अधिनियम के कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके द्वार साधक व्यक्ति से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी के संवाय से संबंधित ऐसा लेखाबतियाँ और अन्य दस्तावेज ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करे और उनकी परीक्षा करने से या वह उसे ऐसी जानकारी दे जो वह आवश्यक समझे, या
- (ग) प्रधान नियोजक या अव्यवहित नियोजक की उसके अधिकारों या सेवक की या ऐसे किसी व्यक्ति की जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में पाया जाए, या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है परीक्षा करना, या
- (घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखाबतियाँ या अन्य दस्तावेज की नकल करना या उससे उद्धरण लेना।

[संख्या एस-38014/39/91- एस.एस.-1]

जय प्रकाश शुक्ल, अवर सचिव

स्पष्टीकारक ज्ञापन]

इस मामले में छूट को भूतलक्षी प्रभाव देना आवश्यक हो गया क्योंकि छूट का आवेदन पत्र बेरी से प्राप्त हुआ था। किन्तु यह प्रमाणित किया जाता है कि छूट को भूतलक्षी प्रभाव देने से किसी भी व्यक्ति के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

1429 GI/93-10

New Delhi, the 21st June, 1993

S.O. 1516.—In exercise of the powers conferred by Section 87 read with section 91-A of the Employees' State Insurance Act, 1948 (34 of 1948) and in continuation of the notification of the Government of India in the Ministry of Labour No. S.O. 321 dated the 21st January, 1993. The Central Government hereby exempts M/s. Hindustan Antibiotics Limited, Pimpri, Pune from the operation of the said Act for a further period of one year with effect from 1st October, 1992 upto and inclusive of the 30th September, 1993.

2. The above exemption is subject to the following conditions, namely:—

- (1) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950.
- (2) Any Inspector appointed by the Corporation under sub-section (1) of Section 45 of said Act or other official of the Corporation authorised in this behalf shall, for the purpose of:
 - (i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or
 - (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
 - (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration which exemption is being granted under this notification; or
 - (iv) ascertaining whether any of the provisions of the said Act has been complied with during the period when such provisions were in force in relation to the said factory: be empowered to:—
 - (a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or
 - (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in-charge thereof to produce to such Inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or
 - (c) examine the principal or immediate employer, his agent or servant or any per-

son found in such factory, establishment, office or other premises or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee; or

- (d) make copies of or take extracts from any register, account books or other documents maintained in such factory, establishment, office or other premises.

[File No. S-38014/39/91-SS.I.]

J. P. SHUKLA, Under Secy.

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case as the application for exemption was received late. However, it is certified that the grant of exemption with retrospective effect will not affect the interest of any body adversely.

नई दिल्ली, 22 जून, 1993

का.पा. 1517—बीड़ी कर्मकार कल्याण निधि नियम 1978 के नियम-3 के उप नियम (2) नियम 4 और नियम 16 के साथ गठित बीड़ी कर्मकार कल्याण निधि अधिनियम, 1976 (1976 का 62) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ए तद्वत्तार तमिलनाडु राज्य के लिये इस अधिसूचना के जारी होने की तारीख से निम्नानुसार मलाहकार समिति गठित करती है अर्थात् :-

- | | |
|--------------------------------------|-----------------------|
| 1. श्रम मंत्री | अध्यक्ष |
| तमिलनाडु सरकार | |
| 2. कल्याण आयुक्त | उपाध्यक्ष (पदेन) |
| श्रम कल्याण संगठन, | |
| हैदराबाद | |
| 3. उप श्रम आयुक्त (निरीक्षण) | सदस्य (पदेन) |
| श्रम आयुक्त कार्यालय | |
| तमिलनाडु सरकार | |
| मद्रास-600006 | |
| 4. श्री वेणुगोपाल | राज्य विधान सभा सदस्य |
| विधान मंडल सदस्य, | |
| तमिलनाडु मद्रास | |
| 5. श्री हाजी टी. ई. एस. पाथु रब्बानी | |
| सचिव | |
| तिरुनेलवली जिला बीड़ी निर्माता संघ | |
| 4-जी (प्रथम तल) | |
| सलाई स्ट्रीट सिन्दूपुन्डूरई | |
| तिरुनेलवली-627001 | नियोजता प्रतिनिधि |
| 6. श्री ए. मोहम्मद अशरफ | |
| उपाध्यक्ष, | |
| तमिलनाडु राज्य बीड़ी निर्माता संघ, | |
| 2-14/ए जमीनाबाद कालोनी | |
| बेलोर-632004 | नियोजता प्रतिनिधि |
| 7. श्री के. मौसिस | |
| सचिव | |
| भन्ता बेजिर संघ परबई, | |
| 16-VI ईस्ट मैन रोड | |
| गोधी नगर, बेल्लोर-632006 | कर्मचारी प्रतिनिधि |

8. श्री सी. ए. गनपथी,
भारतीय राष्ट्रीय ट्रेड यूनियन कांग्रेस प्रतिनिधि,
27 रेडीग्रप्पा मुवाली स्ट्रीट,
कोसापट
बेल्लोर-632001 कर्मचारी प्रतिनिधि

9. श्रीमती जे. अनारकली
केदार बच्चू कम्पाऊंड
रामायनपटी (थीका)
थञ्जानुलूर तिरुनेलवली,
कोलबमन जिला महिला प्रतिनिधि

10. सहायक श्रम आयुक्त
श्रम कल्याण संगठन,
मद्रास सचिव

2. अतः मलाहकार समिति का मुख्यालय मद्रास में होगा।

[सं. यू-19012/1/91-इल्यू-II (सी)]

जी. डी. नागर, अवर सचिव

New Delhi, the 22nd June, 1993

S.O. 1517 :—In exercise of the powers conferred by section 5 of the Beedi Workers Welfare Fund Act, 1976 (62 of 1976), read with sub-rule (2) of rule 3, rule 4, and rule 16 of the Beedi Workers Welfare Fund Rules, 1978, the Central Government hereby constitutes the Advisory Committee for the State of Tamil Nadu with effect from the date of issue of this notification as follows, namely:—

- | | |
|------------------------------|------------------|
| 1. Labour Minister, | Chairman |
| Government of Tamil Nadu. | |
| 2. Welfare Commissioner, | Vice-Chairman |
| Labour Welfare Organisation, | (Ex-officio) |
| Hyderabad. | |
| 3. Deputy Commissioner of | Member |
| Labour (Inspection), | (Ex-officio) |
| Office of the Commissioner | |
| of Labour, | |
| Government of Tamil Nadu, | |
| Madras-600 006. | |
| 4. Shri Venugopal, | Member of |
| Member of Legislative | the Legislature. |
| Assembly, | |
| Tamil Nadu, | |
| Madras. | |
| 5. Shri Hajee T.E.S. Pathu | Representatives |
| Rabbani, | |
| Secretary, | |
| Tirunelveli District Beedi | |
| Manufacturers' Association | |
| 4-G, (First Floor). | of Employers. |
| Salai Street, | |
| Sindupoondu rai, | |
| Tirunelveli-627 001. | |

6. Shri A. Mohamed Ashraf,
Vice President,
Tamil Nadu State Beddi,
Manufacturers' Association,
2/14, Jameelabad Colony,
Vellore-632 004.

7. Shri K. Moses,
Secretary
Anna Thozhir Sanga Paravai,
16, VI East Main Road,
Gandhi Nagar,
Vellore-632 006.

8. Shri C.A. Ganapathy,
Representative of Indian
National Trade Union
Congress,
27, Reddiappa Mudali
Street,
Kosapet,
Vellore-632 001.

Workers'
Representatives.

-do-

9. Smt. J. Anarkali,
Kadar Batcha Compound,
Ramayanpatti
(THIKA),
Thatchanallur,
Tirunelveli,
Kottabomman District.

Woman
Representative.

10. Assistant Welfare
Commissioner,
Labour Welfare
Organisation,
Madurai.

Secretary

2. The headquarters of the said Advisory Com-
mittee shall be at Madras.

[No. U-19012/1/91-W.II(C)]

Sd/-

V.D. NAGAR, Under Secy.

नई दिल्ली, 22 जून, 1993

का.भा. 1518.—केन्द्रीय सरकार संतुष्ट है कि लोकहित में यह
अपेक्षित है कि बैंक नोट प्रेस देवास (म.प्र.) में सेवा जो औद्योगिक
विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची में प्रविष्टि
22 द्वारा सम्मिलित है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी
सेवा घोषित की जानी चाहिए।

अतः अब औद्योगिक विवाद अधिनियम 1947 (1947 का 14)
की धारा 2 के खण्ड (द) के उपखण्ड (vi) द्वारा प्रदत्त शक्तियों का
प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के
प्रयोजनों के लिए तत्काल प्रभाव से छः माह की कालावधि के लिए लोक
उपयोगी सेवा घोषित करती है।

[संख्या एस-11017/14/85-डी-1(ए)]

एस. एस. पराशर, अवर सचिव

New Delhi, the 22nd June, 1993

S.O. 1518.—Whereas the Central Government is
satisfied that the public interest requires that the servi-
ce in the Bank Note press, Dewas (MP) which is cover-
ed by entry 22 in the First Schedule to the Industrial
Disputes Act, 1947 (14 of 1947), should be declared
to be a public utility service for the purpose of the
said Act;

Now, therefore, in exercise of the powers conferred
by sub-clause (vi) of clause (n) of section 2 of the
Industrial Disputes Act, 1947 (14 of 1947), the Cen-
tral Government hereby declares with immediate effect
the said industry to be a public utility service for the
purposes of the said Act for a period of six months.

[No. S-11017/14/85-D.I(A)]

S. S. PRASHER, Under Secy.

नई दिल्ली, 22 जून, 1993

का.भा. 1519.—केन्द्रीय सरकार ने यह समाधान हो जाने पर
कि लोकहित में ऐसा करना अपेक्षित था औद्योगिक विवाद अधिनियम
1947 (1947 का 14) की धारा 2 के खंड (द) के उपखंड (vi) के
उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना
संख्या का.भा. 47 दिनांक 21 दिसम्बर 1992 द्वारा तांबा खनन उद्योग
को उक्त अधिनियम के प्रयोजनों के लिए 10 जनवरी, 1993 से छः
मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था,

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को
छः मास की बार कालावधि के लिए बढ़ाया जाना अपेक्षित है,

अतः अब औद्योगिक विवाद अधिनियम 1947 (1947 का 14)
की धारा 2 के खंड (द) के उपखंड (vi) के परन्तुक द्वारा प्रदत्त
शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त
अधिनियम के प्रयोजनों के लिए 10 जुलाई 1993 से छः मास की और
कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[का. सं. एस-11017/7/85-आई.प्रार. (नीति)]

एस.एस. पराशर, अवर सचिव

New Delhi, the 22nd June 1993

S.O. 1579.—Whereas the Central Government hav-
ing been satisfied that the public interest so required
had, in pursuance of the provision of Sub-clause (vi)
of clause (n) of section 2 of the Industrial Disputes
Act, 1947 (14 of 1947), declared by the notification
of the Government of India in the Ministry of Labour
No. 47 dated the 21st December, 1992 the Copper
Mining Industry to the public utility service for the
purposes of the said Act, for a period of six months
from the 10th January, 1993.

And whereas the Central Government is of opinion
that public interest requires the extension of the said
period by a further period of six months;

Now, therefore in exercise of the powers confer-
red by the proviso to sub-clause (vi) of clause (n) of
Section 2 of the Industrial Disputes Act, 1947 (14 of
1947), the Central Government hereby declares the
said industry to be a public utility service for the
purpose of the said Act, for a further period of six
months from the 10th July, 1993.

[No. S-11017/7/85-IK.(PL)]

[No. S-11017/7/85-IR.(PL)]

नई दिल्ली, 23 जून, 1993

New Delhi, the 23rd June 1993

का.भा. 1520 —केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 2 के खंड (इ) के उपखंड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.भा. 83 दिनांक 23 दिसम्बर 1992 द्वारा किसी भी खनिज तेल (कच्चा तेल) मोटर और विमानन स्प्रिट, डीजल तेल, मिट्टी का तेल, स्नेहक तेल और इसी प्रकार के तेल शामिल हैं के निर्माण या उत्पादन में लगे उद्योग में सेवाओं का उक्त अधिनियम के प्रयोजनों के लिए 29 दिसम्बर 1992 से छह मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था,

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छह मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है,

अतः अब औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 2 के खंड (इ) के उपखंड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 29 जून 1993 से छह मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एस-11017/2/84-डीI(ए)]

एस.एस. पराशर, अवर सचिव

S.O. 1520.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour S.O No. 83 dated the 23rd December, 1992 the industry engaged in the manufacture or production of mineral oil crude oil, motor and aviation spirit, diesel oil, kerosene oil, fuel oil, diverse hydrocarbon oils and their blends including synthetic fuels, lubricating oils and the like, to be a public utility service for the purposes of the said Act, for a period of six months, from the 29th December, 1992;

And, whereas, the Central Government is of opinion that public interest requires the extension of the said period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a further period of six months from the 29th June 1993.

[No. S-11017/2/84-D.I(A)]
S. S. PRASHER, Under Secy.